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THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Wednesday, 13th November 2024

The House met at 9.30 a.m.

[The Deputy Speaker (Hon. Gladys Boss) in the Chair]

PRAYERS

QUORUM

Hon. Deputy Speaker: Hon. Members, there is no quorum. Serjeants-at-Arms, you may ring the Quorum Bell for five minutes.

(The Quorum Bell was rung)

We may proceed to the first Order.

PAPERS

Hon. Deputy Speaker: Hon. Silvanus Osoro.

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Deputy Speaker, I beg to lay the following Papers on the Table:

1. Sessional Paper No.7 of 2024 on the National Sanitation Management Policy from the Ministry of Water, Sanitation and Irrigation.
2. Reports of the Auditor-General and Financial Statements for the years ended 30th June 2021, 30th June 2022 and 30th June 2023, and the certificates therein in respect of:
 - (a) St. Mary's School Yala;
 - (b) Maseno School; and
 - (c) Nakuru Girls' School.
3. Reports of the Auditor-General and Financial Statements on the Green Climate Fund Readiness Project for the years ended 30th June 2023 and 30th June 2024, and the certificates therein.
4. Report of the Auditor-General and Financial Statement on the Green Climate Fund Readiness Project for the year ended 30th June 2023, and the certificate therein.

Hon. Deputy Speaker: Next Order.

QUESTIONS AND STATEMENTS

REQUEST FOR STATEMENT

BOTCHED COSMETIC SURGERY AT OMNICARE MEDICAL CLINIC

Hon. Beatrice Elachi (Dagoretti North, ODM): Hon. Deputy Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of

the Departmental Committee on Health regarding a botched cosmetic surgery resulting in the death of a patient.

Hon. Deputy Speaker: Hon. Pukose, that request for a statement is addressed to you as the Chairperson of the Departmental Committee on Health. You may want to pay attention.

Hon. Beatrice Elachi (Dagoretti North, ODM): Hon. Deputy Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Health regarding a botched cosmetic surgery resulting in the death of Ms Lucy Ng'ang'a at the Omnicare Medical Clinic in Lavington, Nairobi.

Ms Lucy Ng'ang'a, a social media influencer, recently underwent a cosmetic surgery at the Omnicare Medical Clinic, also known as Body by Design. She was discharged on 18th October 2024, but later experienced health complications at home. Upon returning to the clinic for a follow-up, she was referred to another hospital where she underwent additional surgery.

Tragically, Ms Wambui passed away at the Intensive Care Unit (ICU) four days later, allegedly due to complications from the surgical procedure.

Despite the rising popularity of cosmetic and reconstructive surgery, this is not the first instance in which a woman has either lost her life or suffered complications due to surgical mishaps. Many clinics promote those services through appealing online advertisements showcasing a wide range of cosmetic options such as breast enlargement and reduction, leg shaping or augmentation, and hair restoration treatments, among others.

Of concern, the facility was purportedly closed soon after the botched surgery, raising questions on whether it was operating legally.

In light of this situation, I seek a statement from the Chairperson of the Departmental Committee on Health regarding the following:

1. Confirmation on whether Body by Design was duly registered by the Kenya Medical Practitioners and Dentists Council (KMPDC) and the specific medical services it offers.
2. Qualifications of the doctors who conducted the procedures on Ms Wambui.
3. Measures taken to ensure quality assurance and adherence to professional standards by the clinic and similar facilities countrywide.
4. Measures being implemented to prevent similar incidents in the future.

Thank you.

Hon. Deputy Speaker: Hon. Rachael Nyamai, do you have an intervention?

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Thank you very much, Hon. Deputy Speaker. I support the request for a statement by Hon. Beatrice Elachi.

The Departmental Committee on Health, led by Hon. (Dr) Pukose, who is a surgeon, needs to ensure that Kenyans get a list of doctors who can perform cosmetic surgeries without endangering peoples' lives. Many people have gone to those doctors and they are suffering. It is a contemporary way of dealing with aging. As Kenyans, we cannot bury our heads in the sand and say that it is not happening. It is happening!

I would like to ask Hon. (Dr) Pukose whether it is possible for the Ministry of Health to come up with a list of the best doctors. Can the Ministry work with the County Government of Nairobi to identify the spaces where they can be found?

Thank you, Hon. Deputy Speaker, for giving me a chance to comment.

Hon. Deputy Speaker: Hon. (Dr) Pukose, Chairperson of the Departmental Committee on Health.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Deputy Speaker. It is very unfortunate that we have some mushrooming clinics that are offering services that they are not accredited to offer. Breast augmentation or reduction, and other cosmetic surgeries, need to be done by qualified people. The facility must be registered and accredited by the KMPDC. We will hold the KMPDC accountable because that is their responsibility. They must

rein in such facilities. Many unsuspecting Kenyans may end up unknowingly going to some of those facilities and being mismanaged and resulting in loss of lives. That is regrettable. We will look into the matter and bring the response to the House in two weeks' time.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you, Hon. Pukose. There is a response to a request for a statement to be given by the Chairperson of the Departmental Committee on Trade, Industry and Co-operatives. The request had been raised by Hon. John Kiarie, Member for Dagoretti South.

Hon. Gakuya.

RESPONSE TO REQUEST FOR A STATEMENT

RENEWAL OF KEBS STANDARDISATION MARK

Hon. James Gakuya (Embakasi North, UDA): Thank you, Hon. Deputy Speaker. The response is as follows:

At the outset, I wish to thank you for giving me this opportunity to respond to a request for a statement by Hon. John Kiarie, Member for Dagoretti South Constituency, regarding the renewal of the Standardisation Mark of Quality from the Kenya Bureau of Standards (KEBS). The Member expects the statement sought to respond to the under-listed specific issues.

1. The rationale behind extending the validity period of the Standardisation Mark and the impact of that on products' quality and fair competition, especially for small and medium-sized enterprises (SMEs).
2. The justification for imposing back-pay penalties on businesses restarting after COVID-19 related slowdowns; and,
3. Measures that the Ministry of Investment, Trade and Industry is taking to ensure that the regulatory environment supports the micro, small and medium-sized enterprises (MSMEs) in economic recovery rather than penalising those recovering businesses.

By way of introduction, I wish to state that KEBS is a state agency under the Ministry of Investment, Trade and Industry. It was established under the Standards Act Cap 496 of the Laws of Kenya with the mandate of promoting the standardisation of the specification of commodities and providing for the standardisation of commodities and codes of practice.

To fulfil those mandates, the Kenya Bureau of Standards (KEBS) coordinates the development of standards, operates product certification programmes, tests products and materials and inspects imported goods and other matters incidental to and connected with the same. It is worth noting that KEBS operates a standardisation mark scheme which is a mandatory product certification scheme for locally manufactured products that are provided for under Section 10 of the Standards Act Cap 496 of the laws of Kenya.

Having stated the above, I wish to respond to specific issues that were raised by the Member for Dagoretti South as follows:

The first question was about the rationale behind extending the validity period for the standardisation mark and the impact of those on-product quality and fair competition, especially for small and medium-size enterprises.

1. The rationale behind extending the validity period. In 2015, the Kenya Bureau of Standards commissioned and carried out a comprehensive internal review of the standardisation scheme. The review aimed at looking at the success, challenges and opportunities for improvement. It culminated in a report that was aimed at improving quality, efficiency and ease of doing business. The review established that among other issues, the one-year validity permit faced

administrative challenges. The main challenge was that manufacturers did not apply for renewal on time or KEBS was not able to process the applications within the turn-around time in the customer service charter. The effect of this is that client businesses and market supply chains by extension were disrupted, thus leading to loss of business opportunities and undue shortages of the respective goods.

KEBS, therefore, revised the validity period to two years, while putting mitigation measures in place to ensure product quality is maintained and improved.

2. The impact of extending the validity period, especially for SMEs. It follows that the extension of the validity period of the standardisation mark was bound to have either positive or negative impacts, especially on product quality and fair business practices. That being the case, KEBS was well prepared to deal with the two aspects and any other matter that would have cropped up.
3. Product quality. The main objective of increasing the validity period of the standardisation mark permits from one year to two years was to reduce the disruption of business that was occasioned by administrative and logistical issues that are associated with permit renewal processes.
4. Fair competition. The decision that annual fees would remain the same and be paid for two years upfront at the time of renewal applies across the board for both large firms and SMEs. However, SMEs continue to enjoy preferential treatment whereby a payment of Ksh10,000 covers up to three products while their competitors' counterparts classified as large firms would be paying up to Ksh85,000 for the same three products.

On the second question on the justification for improving back-pay penalties on business restarting after COVID-19-related shutdowns, the scheme has been imposing back-pays rather than penalties on businesses since its inception in 2008. The justification for this is that some businesses would want to delay permit renewal, while continuing to display the mark. To enable KEBS to defray the overhead cost of administering the scheme, it becomes necessary that full payment is made from the time the permit expires. However, KEBS is aware that there could have been a stoppage of manufacturing for economic reasons or other reasons.

In such cases, the policy of KEBS is clear that manufacturers only need to make formal communication to KEBS to that effect and no such charges will accrue. The COVID-19 Pandemic presented unique and unprecedented socio-economic challenges, while KEBS had put in place temporary measures to mitigate the challenges as per the Government policy. The KEBS acknowledges that some of the effects have lingered long after the pandemic or just taken new forms. Considering the above, KEBS has been granting waivers to SMEs who present requests in writing and have demonstrated closure of operations. In such cases, the SMEs are allowed to apply for the standardisation mark and are only charged the application fees without any arrears.

Let me go to the last question – that is question three. It is about the measures the Ministry of Investment, Trade and Industry is taking to ensure the regulatory environment supports SMEs in economic recovery rather than penalising the recovery of the business. Initiatives to support SMEs include:

The Ministry of Investment, Trade and Industries has put in place comprehensive measures to support SMEs. The State Department for Industry, through KEBS, has continued to support SMEs through the following:

1. Training and coaching of SMEs through the National Quality Institute.
2. Dissemination of Kenya standards to SMEs through physical workshops, online webinars and in-house coaching during factory assessments.

3. An incubation programme that allows SMEs to be trained on compliance to standards, development of quality control records, product packaging and delivery.
4. KEBS's Strategic Plan for the year 2003-2007 has committed to supporting SMEs through capacity building.
5. Recognising the critical roles that are undertaken by the Business Association, KEBS has been working with the Kenya Association of Manufacturers and the Kenya National Federation of Jua Kali Associations in supporting SMEs.
6. The KEBS has been collaborating with other agencies like the Kenya Industrial Research Development Institute (KIRDI), Public Health, Kenya Industrial Property Institute (KIPI) and the Counterfeit Authority, the Micro and Small Enterprises Authority (MSEA), among others, to undertake capacity building in support of SMEs.
7. The Ministry, in support of SMEs, has been at the forefront of supporting them through the Biashara Centres with operational offices at Kariobangi, Mombasa, Kisumu, Eldoret and Bungoma. The Ministry has opened and operationalised those centres in Kariobangi, Mombasa, Kisumu, Eldoret and Bungoma with a specific focus on addressing the unique needs of MSMEs.

With regard to studies that are offered to the MSMEs sector as intervention measures, the Ministry, through the Kenya Bureau of Standards, has supported them by subsidising the certification fees. The cost of certification for a large manufacturing enterprise – that is manufacturing one product - is Ksh25,000. In supporting Small and Medium Enterprises, the Kenya Bureau of Standards certifies those three products that are manufactured by them at a cost of Ksh10,000. The KEBS has costs associated to testing as well as respective administrative and logistic overheads, and they are absorbed by the organisation. Through that subsidy, SMEs can place their products into the market at discounted charges as compared to large enterprises. The KEBS has been supporting the SME sector through other support programmes; including training and advisory services that are offered through the National Quality Institute.

I have attached a comprehensive Statement by Hon. Salim Mvurya, EGH, the Cabinet Secretary for the Ministry of Trade, Investment and Industry, for transmission to the Member.

Thank you. I beg to table.

Hon. Deputy Speaker: Is Hon. KJ in the House because he is the one who asked the question? Okay! He is not here. We can proceed to the next Order.

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD OF SPECIFIED BILLS

Hon. Deputy Speaker: Leader of the Majority Party, move your Procedural Motion.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Deputy Speaker, I beg to move the following Procedural Motion:

THAT, pursuant to the provisions of Standing Order 120, this House resolves to reduce the publication period of the following Bills from fourteen (14) days to twelve (12) days in order to facilitate public and stakeholder engagement:

1. The Public Finance Management (Amendment) (No.3), Bill (National Assembly Bill No.44 of 2024);
2. The Public Finance Management (Amendment) (No.4) Bill, (National Assembly Bill No.45 of 2024);

3. The Tax Procedures (Amendment) (No.2) Bill, (National Assembly Bill No.46 of 2024);
4. The Tax Laws (Amendment) Bill, (National Assembly Bill No.47 of 2024);
5. The Public Procurement and Asset Disposal (Amendment) Bill, (National Assembly Bill No.48 of 2024); and,
6. The Business Laws (Amendment) Bill, (National Assembly Bill No.49 of 2024).

For information to the Members and the country, I want to state that those six Bills are very important. You are aware that there were very many progressive proposals, including the tax amnesty that lapsed on 30th of June, that Kenyans were waiting for at the end of the last financial year. With the loss of the Finance Bill, 2024, some of the good proposals that were there like that tax amnesty have evaded Kenyans. Quite a number of business people are suffering from incessant demands from the Kenya Revenue Authority (KRA) for both their tax arrears penalties and interests. Therefore, some of the proposals include that tax amnesty in this Tax Procedures (Amendment) Bill. Other Bills deal with public finance management and public procurement. The business laws also carry very crucial amendments to many business laws, especially in the manufacturing industry, that will facilitate the local production of goods.

If we do not reduce the publication period of those Bills, we may not manage to conclude with their enactment before the end of this session on the 5th of December, according to our Calendar. We, therefore, want to reduce the publication period by just two days so that we may begin...

(Hon. (Dr) Robert Pukose consulted loudly)

Hon. Deputy Speaker, protect me from Hon. Pukose. He is louder than me on the microphone.

Hon. Deputy Speaker: Hon. Pukose, the Leader of the Majority Party is giving a very good explanation on some serious amendments. I think it is important that you allow Members to pay attention.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you for that protection, Hon. Deputy Speaker.

In view of our scheduled Calendar, we are to proceed on the long recess on 5th December and we want to avoid a situation where we have to recall Members for a special sitting. We also want to save those business people who have to now deal with KRA on matters of tax amnesty to, at least, have that tax amnesty in place before the end of this year. This will ensure that they do not continue accruing interests and penalties. We would want to see the enactment of all these Bills before the end of this financial year and the end of this session. By reducing the publication period by only two days, from 14 days to 12 days, and without anticipating debate on Order No.12, all the way to Order No.17, we will create time to progress the bills through public participation and stakeholder engagement.

Allow me to thank the Ministry of National Treasury and Economic Planning, Ministry of Trade, Investment and Industry and the Chairpersons of the Departmental Committee on Finance and National Planning, and the Departmental Committee on Trade, Industry and Co-operatives. That is because I have already seen them begin that public and stakeholder engagement. Last week, I saw them in what you would call a townhall debate on Citizen Television, engaging and explaining to Kenyans the import of those Bills, and the policies that each of the Bills is anchored on.

Those are some of the things that the courts have been speaking to; that we need to sensitise Kenyans on the import of every legislative proposal that we bring to this House. The

Ministry of National Treasury and Economic Planning, Ministry of Trade, Investment and Industry, and others like the Ministry of Environment and Forestry, have already begun that stakeholder engagement and sensitisation of Kenyans on the import of those Bills, the policies they are anchored on and the positive impact they will have on businesses.

As the National Assembly, we also need to engage in that stakeholder engagement. For us to have time for meaningful, qualitative and quantitative public participation as we have been told by the courts, we thought it was important to reduce the publication period by those two days. This will ensure that the Bills come for First Reading and the relevant committees begin the engagement with the public. This is by sensitising and informing them so that we pre-empt what we saw happen with the Finance Bill, 2024 in June, and many other Bills including the land amendment clause, where people pick up just a small element of a legislative proposal and spin it in a narrative that will suit their political narratives and not necessarily the truth.

We have, therefore, learnt that informing Kenyans should be part of what we should do early. We want to use this opportunity to begin informing Kenyans. Hence, the reason I said that I thank the Ministry of National Treasury and Economic Planning, Ministry of Trade, Investment and Industry and the Ministry of Environment and Forestry, for the sensitisation they have done with this particular legislative proposal. Even before they submitted the legislative proposals to the National Assembly, I know the ministries advertised for Kenyans to submit their views on each of the legislative proposals that they wanted to touch on, whether on manufacturing or on tax procedures, and how Kenyans would expect to have a tax system that is more efficient, fair and justifiable. From the many proposals that Kenyans gave to the Ministry of National Treasury and Economic Planning and the Ministry of Trade, Investment and Industry, they were sieved down into the legislative proposals that were brought to the House. As I said, they further engaged stakeholders on Citizen Television last week. It will now be our time as the National Assembly to meaningfully engage Kenyans.

I trust that the chairpersons of the Departmental Committee on Trade, Industry and Co-operatives, the Departmental Committee on Finance and National Planning, and the Departmental Committee on Environment, Forestry and Mining, Hon. Gakuya, Hon. Kimani Kuria and Hon. Gikaria, who are here, will engage Kenyans on many of those proposals. This will ensure that Kenyans are well informed and not misinformed and disinformed by those who are intent on disinforming and misinforming them. As I said, many of those proposals are critical not just for the continuity of business in this country, but also to ensure that businesses are saved from the penalties and interests that are being levied to them by KRA on account of tax arrears. Many people are suffering from cheap imports that we can protect them from. It is our duty as legislators to protect our local industries so that we may spur growth from the manufacturing sector of our economy.

Hon. Deputy Speaker, when we were in Naivasha, we had an engagement with KEPSA. When the Chairman of KEPSA spoke in that meeting, he indicated how manufacturers today are shifting to other destinations like Uganda and Tanzania because they have created a more conducive manufacturing environment than ours. These incentives that are contained in this Business Laws (Amendment) Bill are to create a conducive manufacturing sector in our country. The Public Procurement and Asset Disposal (Amendment) Act has good proposals. I ask the Members to apprise themselves with the contents of these Bills so that when they are confronted by the media with questions about what is contained in them, they are informed. We heard somebody saying she does not know the difference between the Social Health Insurance Fund (SHIF) and *Shifo*. I will be very embarrassed to hear the same Member say she does not know the difference between the Public Procurement and Asset Disposal (Amendment) Bill, the Tax Procedures (Amendment) Bill or the Business Laws (Amendment) Bill. Let us apprise ourselves with the contents of all these Bills.

Hon. Deputy Speaker, I commit that we have agreed with the chairpersons of those committees that, in due course and as soon as the substantive Speaker is back, we will organise a *Kamukunji* that will also apprise Hon. Members on all the provisions of all these Bills. This will ensure that we are all well informed and ready to debate during the Second Reading without anticipating debate.

With those many remarks, Hon. Deputy Speaker, I beg to move and request the Majority Whip, the one and only Hon. Silvanus Osoro, to second.

Thank you.

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Deputy Speaker, I may not have anything useful to add to what the Leader of the Majority Party has well-articulated, but just to remind Hon. Members that these particular Bills are very important and vital to the development of this country. You will all agree with me that matters tax and procurement are no longer a preserve of the few well-learned people. It is now a matter that is in public domain. Everyone wants to discuss procurement or tax. Nowadays, you cannot lie to people. You cannot tell them what the law says. They already know. In particular, the Public Procurement and Asset Disposal (Amendment) Bill is very vital. It is actually seeking to realign the procurement procedures with Article 227 of the Constitution, so as to make public procurement policies as equitable, competitive, transparent and cost-effective as possible. It is very important that we pass this Bill. Just to remind Hon. Members, our Calendar is quite full, even beyond the 5th of December. When we break for recess from 5th, we will proceed for the East African Legislative Assembly (EALA) Games in Mombasa until the 18th of December. Thereafter, it is Christmas and every one of us, of course, wants to engage and spend some time with their family. In January, most Hon. Members here, who are parents, will be running up and down to take their children to school and help their constituents with bursaries and such kind of things. We will start the next session in the month of February. If we do not dispense with these Bills within this predetermined time, which is very limited, between now and 5th, we will have a huge challenge fixing everything that pertains to these particular important Bills.

With those many remarks, I beg to second.

(Question proposed)

Hon. Deputy Speaker: Hon. Members, let us just allow one person, Hon. Nyikal, and then we can proceed.

(Hon. (Dr) Robert Pukose spoke off record)

Hon. Pukose, that is not your prerogative.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Deputy Speaker, I rise to agree with the Leader of the Majority Party and support this process. But I want to make it very clear that those five laws we are dealing with are what the economy of this country is going to run on. We are talking of public finance laws and you know where we have just come from. It is important that people take it seriously. You saw what happened to us when we did not listen to the people. That is what brings the money and how we spend the money.

The Tax Procedures (Amendment) Bill is what will bring the money that we want to spend in the finance laws. It is, therefore, extremely important because those procedures and Bills are how money comes in. When you talk about public procurement, it is the only way the Government spends money. That is how money moves to get services done. The business laws are where all that money comes from. Therefore, in a nutshell, these are extremely important laws and I agree with the Leader of the Majority Party.

Hon. Deputy Speaker, I know time is short and I agree that we should hurry and pass them as soon as possible. However, our emphasis should be that both this House and the public

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should understand fully what we are talking about. This will ensure that when decisions are made by this House and by the public, it is on the basis of information. Sometimes, there is a danger in passing the laws quickly and get over with them, just because we understand and we leave the people behind. We even leave Members of Parliament behind, who just turn into voting machines and later on, they say they did not read and understand. This time around, let us get it right. The emphasis should be on getting it right and not passing it. We should not be afraid of being called from recess to come and discuss this. This is more important than the recess we are going into.

I, therefore, support and appreciate this and without anticipating debate, this leads directly to Order No.9 and the exemptions. Even those without anticipating debate are actually in order with this. Just to reiterate, please this time, let us look at the interests of the country and not political positions or business interests. Those are what we should look at in these laws because if we do not, we can face the same problems we faced recently with the Finance Bill.

With that, I support.

(Question put and agreed to)

Hon. Deputy Speaker: Next Order.

PROCEDURAL MOTION

EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDER 40(3)

Hon. Deputy Speaker: Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Deputy Speaker, I beg to move the following Motion:

THAT, this House resolves to exempt businesses appearing as Orders 10, 12, 13, 14, 15, 16 and 17 in today's Order Paper from the provisions of Standing Order 40(3), being a Wednesday Morning, a day allocated for business not sponsored by the Majority or Minority Party, or business sponsored by a committee.

Hon. Deputy Speaker, this is a simple Procedural Motion, to exempt businesses appearing as Orders 10, 12, 13, 14, 15, 16 and 17. This being the First Reading of the Bills whose procedural Motion we have just passed on the Reduction of the Publication Timeline for the same reasons. I, therefore, do not need to belabour it.

I request Hon. Naomi Waqo to second.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Deputy Speaker.

I second.

(Question proposed)

Hon. Deputy Speaker: Hon. Makali, make your contribution short.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you, Hon. Deputy Speaker. I support this Motion. However, I want to go on record about three things. The truth is that Members only have Wednesday Morning Sittings to bring their bills and motions. It is unfair when the Leader of the Majority Party keeps using our time to bring Government Bills for which we can extend time or create Special Sittings.

I plead with the Leader of the Majority Party and the House Business Committee (HBC) to allow Wednesday Morning Sittings to deal with Private Members Bills. I agree that the Bills

in the First Reading are very important. However, in future, it will be important to allow us to transact our Business.

Secondly, I also want to plead with the HBC. If you look at last Wednesday's Order Paper, a Bill which I am sponsoring was the immediate Bill after Hon. Pukose's. My Bill, which is No. 5 of 2022, has now been pushed about three levels behind. I want the HBC to be fair to Members. It is unfortunate to see your Bill, which has been waiting for a long time, suddenly being pushed very far from where it was.

What worries me most, Hon. Members, is that the Bill I am supposed to be moving is a Parliamentary Pensions (Amendment) Bill, which touches on your issues. We push our issues to the back and bring other issues.

Hon. Deputy Speaker, I want to bring this to the attention of the HBC. They should also be consistent in how they schedule these Bills. Otherwise, I was very prepared last week, and unfortunately, I do not see myself moving the Bill today. It might be moved to next year. Which means I may have to do another research next year. Leader of the Majority Party, you must be fair to us. We are also ageing. I do not want to be ready, and then you push me back to reading again after I have already done my research.

Hon. Deputy Speaker, today I will understand but, in the future, please, consider the way Bills are presented to the House. I think it will help us.

With those many remarks, I support.

I know these Bills are important. We are going to read and prepare ourselves to debate seriously as a House.

Thank you.

Hon. Deputy Speaker: Thank you, Hon. Makali. I think the Leader of the Majority Party has duly noted your concerns.

(Question put and agreed to)

MOTION

CONSIDERATION OF REPORT ON THE STATUTE LAWS (MISCELLANEOUS AMENDMENTS) BILL (National Assembly Bill No. 67 of 2023)

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Statute Law (Miscellaneous Amendments) Bill, (National Assembly Bill No. 67 of 2023).

(Moved by Hon. Kimani Ichung'wah on 12.11.2024 – Afternoon Sitting)

(Resumption of consideration interrupted on 12.11.2024 – Afternoon Sitting)

(Hon. Deputy Speaker consulted with the Clerks-at-the-Table)

Hon. Deputy Speaker: Leader of the Majority Party, you may sit. I have been informed that what remained on this business was putting of the Question, before we proceed to the Third Reading.

Sorry about that.

(Question put and agreed to)

BILL*Third Reading*

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL
(National Assembly Bill No. 67 of 2023)

Hon. Deputy Speaker: Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Deputy Speaker, I beg to move:

THAT, the Statute Law (Miscellaneous Amendments) Bill, (National Assembly Bill No. 67 of 2023), be now read a Third Time.

I request Hon. Marianne Kitany to second.

Hon. Marianne Kitany (Aldai, UDA): I second.

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read a Third Time and Passed)

MOTION

ESTABLISHMENT OF A SCIENCE MUSEUM

THAT, aware that, Article 11(2)(b) of the Constitution provides that the Government shall recognise the role of science and indigenous technologies in the development of the nation; further aware that the Vision 2030 provides for the integration of information, communication and technology in the country's transformative agenda; concerned that, there exists no science museum for consolidating indigenous scientific and technological innovations, training and research purposes in the East Africa Region; appreciating that, integration of science and technology would greatly enhance Kenya's economic and societal success; noting that there is potential for growth in the technology sector by establishing a science museum; further noting that, the informal science education plays a key role in the progression of Science, Technology, Engineering and Mathematics (STEM); acknowledging that science museums operate as the nexus between science practitioners, policy-makers and the public; cognisant of the fact that, a science museum in the country would greatly impact on the economy of the country in the quest to become an industrialised nation; now therefore, this House resolves that, the national Government, through the relevant Ministries, establishes and operationalises a science museum in the country.

(Moved by Hon. John Kiarie on 2.10.2024- Morning Sitting)

(Debate concluded on 6.11.2024- Morning Sitting)

Hon. Deputy Speaker: The Mover of the Motion is not here.

(Question put and agreed to)

Next Order.

BILLS

First Readings

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (NO.3) BILL
(National Assembly Bill No.44 of 2024)

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (NO.4) BILL
(National Assembly Bill No.45 of 2024)

THE TAX PROCEDURES (AMENDMENT) (NO.2) BILL
(National Assembly Bill No.46 of 2024)

THE TAX LAWS (AMENDMENT) BILL
(National Assembly Bill No.47 of 2024)

THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL
(National Assembly Bill No.48 of 2024)

THE BUSINESS LAWS (AMENDMENT) BILL
(National Assembly Bill No.49 of 2024)

*(The Bills were read a First Time
and referred to relevant Committees)*

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Deputy Speaker (Hon. Gladys Boss) left the Chair]

IN THE COMMITTEE

[The Temporary Chairlady (Hon. (Dr) Rachael Nyamai) in the Chair]

THE COMMUNITY HEALTH WORKERS BILL
(National Assembly Bill No. 53 of 2022)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, we are in the Committee of the whole House to consider the Community Health Workers Bill, (National Assembly No.53 of 2022). I can confirm that Hon. Martin Peters Owino is in the House.

Clause 3

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): The Chairperson, Hon. Dr Pukose.

Hon (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

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THAT, Clause 3 of the Bill be amended in sub-clause (1) by deleting the word “Workers” and substituting therefor the word “Promoters”.

This is in alignment with the Primary Healthcare Act No.13 of 2023, which uses the term "Community Health Promoter." Thank you, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Chairperson.

(Question of the amendment proposed)

Any interest in this? Should I put the Question?

Hon. Members: Put the Question.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 3 as amended agreed to)

(Clause 4 agreed to)

Clause 5

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairperson.

Hon (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 5 of the Bill be amended by deleting the word “workers” wherever it appears and substituting therefor the word "promoters".

This is in alignment with the Primary Healthcare Act No.13 of 2023, which uses the term "Community Health Promoter" and not "Workers." Thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you, Chairperson.

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 5 as amended agreed to)

Clause 6

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairperson

Hon (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 6 of the Bill be amended—

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause (1)—
- “(1) The Council shall consist of—
- (a) the Director-General for Health or a representative designated in writing by the Director-General for Health;
 - (b) one person from a non-governmental organisation in the health sector nominated by the Non-Governmental Organisations Coordination Board;
 - (c) one person nominated by the Public Health Officers and Technicians Council;
 - (d) two persons with knowledge and experience in matters of community health appointed by the Cabinet Secretary;
 - (e) two persons, one of whom shall be a County Chief Officer of Health, with knowledge and experience in matters of community health nominated by the Council of County Governors to represent the interests of counties;
 - (f) the Registrar, who shall be the secretary and an *ex officio* member of the Council.”;
- (b) in sub-clause (2) by deleting the words “paragraph (g)” and substituting therefor the words “subsection (1) (d) and (e)”;
- (c) in sub-clause (3) by deleting the words “sub-section (1)(f) and (g)” and substituting therefor the words, “sub-section (1)(d) and (e)”.

This is for the composition of the Council to comply with the *Mwongozo* Code of Governance for State Corporations, in terms of numbers, skills and professional expertise. This should include all relevant players who are involved in community health matters. In (b) and (c), this is for proper drafting and cross-referencing in line with the House drafting style. Thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 6 as amended agreed to)

Clause 7

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairperson.

Hon (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 7 of the Bill be amended by deleting the words “section 6(1)(e), (f) and (g)” appearing immediately after the words “appointed under” and substituting therefor the words “section 6 (1)(b), (c), (d) and (e)”.

This is for proper drafting and cross-referencing in line with the House drafting style. Thank you.

The Temporary Chairlady (Hon. Rachael Nyamai): Thank you, Hon. Chairperson.

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(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 7 as amended agreed to)

(Clauses 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 agreed to)

Clause 18

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Chairman, Hon. Dr Robert Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 18 of the Bill be amended in paragraph (c) by deleting the word “worker” and substituting therefor the word “promoter”.

This is in alignment with the Primary Health Care Act No.13 of 2023, which uses the term “community health promoter.”

Thank you, Hon. Temporary Chairlady.

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 18 as amended agreed to)

Clause 19

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 19 of the Bill be amended—

(a) In paragraph (c) by deleting the word “workers” and substituting therefor the word “promoters”;

(b) By deleting paragraph (d) and substituting therefor the following new paragraph —

(d) Publish on its website a list of names, addresses and qualifications of the registered community health promoters not later than 31st March in every year;” and,

(c) in paragraph (e) by deleting the word "workers" and substituting therefor the word "promoters."

This is in alignment with the Primary Health Care Act No.13 of 2023, which uses the term "community health promoter" to require the publication of registered community health promoters on the website of community health promoters cancelled instead of the Kenya Gazette as the latter is very expensive and not economical.

Thank you, Hon. Temporary Chairlady.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 19 as amended agreed to)

Clause 20

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 20 of the Bill be amended in—

(a) Sub-clause (1) by—

(i) Deleting the word “workers” and substituting therefor the word “promoters”;

(ii) Deleting the word “worker” appearing in paragraph (b) and substituting therefore the word “promoter”; and,

(iii) Deleting the word “worker” appearing in paragraph (c) and substituting therefor the word “promoter”; and,

(b) Sub-clause (2) by deleting the word “worker” and substituting therefor the word “promoter”

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Chairman.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 20 as amended agreed to)

(Clause 21 agreed to)

Clause 22

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Dr Robert Pukose.

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Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 22 of the Bill be amended in subsection (1) by deleting the word “worker” appearing in paragraph (d) and substituting therefor the word “promoter”.

This is for alignment in Primary Health Care Act No.13 of 2023, which uses the term "community health promoter" and not "worker."

(Question of the amendment proposed)

*(Question, that the word to be left out
be left out, put and agreed to)*

*Question, that the word to be inserted in place
thereof be inserted, put and agreed to)*

(Clause 22 as amended agreed to)

Clause 23

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 23 of the Bill be amended by deleting the word “worker” appearing immediately after the words “community health” and substituting therefor the word “promoter”.

This is for the alignment with the Primary Health Care Act No.13 of 2023, which uses the "term community health promoter," not "worker."

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Chairman.

(Question of the amendment proposed)

*(Question, that the word to be left out
be left out, put and agreed to)*

*Question, that the word to be inserted in place
thereof be inserted, put and agreed to)*

(Clause 23 as amended agreed to)

(Clauses 24 and 25 agreed to)

Clause 26

The Temporary Speaker (Hon. Dr Racheal Nyamai): Hon. Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 26 of the Bill be amended in—

(a) Sub-clause (1) by deleting the word “workers” and substituting therefor the word “promoters”;

(b) Sub-clause (2) by -

(i) Deleting paragraph (c) and substituting therefor the following new paragraph “(c) a representative of the Attorney-General with at least ten years’ experience as an advocate of the High Court;”.

(ii) Deleting paragraph (d) and substituting therefor the following new paragraph “(d) a representative of the Public Health Officers and Technicians Council;”

(iii) Deleting the word “worker” appearing in paragraph (e) and substituting therefor the word “promoter”.

(c) Sub-clause (5) by deleting the word “workers” and substituting therefor the word “promoters”.

Clause 26 (a) is for alignment with the Primary Health Care Act No.13 of 2023, which uses the term "community health promoter".

In sub-clause (b), this is for accountability purposes. The advocate that sits in the disciplinary committee ought to be appointed by the Attorney-General who, by the Constitution, is the Principal Legal Advisor to the national Government.

The Temporary Chairlady (Hon. Dr Rachael Nyamai): Thank you, Hon. Chairman.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 26 as amended agreed to)

Clause 27

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 27 of the Bill be amended by deleting the word “worker” appearing in the opening sentence and substituting therefor the word “promoter”.

This is in alignment with the Primary Health Care Act No.13 of 2023, which uses the term "community health promoter."

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agreed to)

Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 27 as amended agreed to)

Clause 28

The Temporary Chairlady (Hon. (Dr) Racheal Nyamai): Hon. Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 28 of the Bill be amended by deleting the word “worker” wherever it appears and substituting therefor the word “promoter”. This is in alignment with the Primary Health Care Act No.13 of 2023, which uses the term "community health promoter." Thank you.

The Temporary Speaker (Hon. Dr Racheal Nyamai): Thank you.

(Question of the amendment proposed)

((Question, that the word to be left out be left out, put and agreed to)

Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 28 as amended agreed to)

(Clauses 29, 30, 31, 32, 33 and 34 agreed to)

Clause 35

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 35 and substituting therefor the following new clause—

Transitional provisions. (35) Within twenty-four months upon the commencement of this Act, the Council shall ensure that community health promoters who, immediately before the commencement of this Act, have not undertaken the courses prescribed shall undertake any of the courses prescribed in the Second Schedule for purposes of registration as a community health promoter under this Act.

This is in alignment with the Primary Health Care Act No.13 of 2023, which uses the term "community health promoter" and to increase the period from 12 to 24 months for community health promoters to undertake the prescribed courses.

Thank you, Hon. Temporary Chairlady.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Owino.

Hon. Martin Owino (Ndhiwa, ODM): I support my Chair on this. Many community health workers were worried that the 12-month transition period was too short. Therefore, this amendment will give them enough time to take one or two courses that are needed to fit in. We have a variety of community health workers. Some are old and might take time compared to younger ones. The additional time is adequate for transition.

Thank you, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Anthony Oluoch.

Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Temporary Chairlady.

I support this amendment. However, I have a drafting issue which I would like to bring to the attention of the Chair. The 24 months is appropriate, but I am thinking in terms of legal drafting. I have a concern about how legal terms and phrases such as “non-compliance of something” have been put in negative. It should be re-worded to say: “Those who will not have complied within a certain number of months will either be removed from the role”, or read: “Alleligible community workers will have undertaken the courses under the Second Schedule within 24 months of the enactment of this Bill.” The import of the way it is drafted is having 24 months after the enactment of this Act. Thereafter, you are now saying they are eligible. I am not sure but something is lacking. Maybe, the people in legal can weigh in on this to advise whether the drafting is legally neat.

I support the amendment itself.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you. Let me give the Vice-Chairman a chance and then come to you, Chair.

Hon. Patrick Ntwiga (Chuka/Igambang'ombe, UDA): Thank you, Hon. Temporary Chairlady.

I rise to support today's amendment. Health education is the most important thing you can give to the community. Community health workers are always available to give out health education to our people because we do not have enough doctors and nurses to go around educating people about health. Most diseases can be prevented if people get the right health education. That is the essence of public health. It is when people get the right health education. It becomes very tricky when we give people jobs as community health workers and yet, we do not give them any skills to take up the job. You, at times, attend a function and listen to a community health worker teaching about a disease. You go out wondering whether people do not go home more misled than they were.

I support this amendment. We need basic training. Not very complicated training. We need basic training in things like counselling and psychology. We are living in a country where things like depression are becoming a major health issue to us as a country. Community health workers are the people who are best-placed to deal with things like depression in the community. They are well-integrated with the people. People trust and listen to them. I support that we need basic training to make them good community health promoters.

I support, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you very much, Vice-Chairman of the Departmental Committee on Health. Let us have the Chairman. You may want to respond to the matter raised by the Member for Mathare.

Hon. Robert Pukose (Endebess, UDA): For the comfort of Hon. Oluoch, the new Clause reads: “Within 24 months upon the commencement of this Act, the Council shall ensure that community health promoters who immediately before the commencement of this Act have not undertaken the courses prescribed, shall undertake any of the courses prescribed in the Second Schedule for purposes of registration as a community health promoter under this Act.” We are saying that community health promoters must have done another course to be registered. I do not think there is anything wrong with the drafting.

We are giving the Council time to allow community health workers who have not undertaken any course to have time to do so, so that they can be registered. The duration proposed will give them time to take the required courses. Community health workers who have already undertaken the courses do not need to re-take them. However, we must limit the duration to ensure those who have not done the courses do them within the proposed time. Subsequently, we can be admitting community health workers based on certain minimum qualifications.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Anthony Oluoch, what is your last comment on this?

Hon. Anthony Oluoch (Mathare, ODM): For the record, I support.

I have many community health workers in my Mathare Constituency. My issue on drafting is a technical legal issue. It is fine if you are comfortable with the drafting. I am reading from this that you are proposing that certain people can continue working as community health promoters for 24 months without having to be subjected to the courses. They have a window of 24 months.

(Hon. (Dr) Robert Pukose spoke off the record)

I am saying that we do not have to wait for 24 months. They will be working without the necessary training that you have put in the Second Schedule as you wait for 24 months. That is my reading. I may be wrong. It is okay if you are comfortable with the drafting.

(Hon. (Dr) Robert Pukose consulted with the legal team)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Let me give them a minute to consult. Is there any other Member who would like to contribute to this as the Chairman consults? Chairman, I give you two minutes to consult. Can we proceed?

(Hon. (Dr) Robert Pukose spoke off the record)

Please give the microphone to the Chairman.

Hon. Robert Pukose (Endebess, UDA): Having consulted, I can reassure the Member for Mathare that this is a transition period for those who do not have the minimum qualification. We are giving them time to ensure they meet the qualifications within the proposed time. It is not after the 24 months. It is within 24 months.

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

(Clause 35 as amended agreed to)

*(First Schedule agreed to)
Second Schedule*

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): There is an amendment on this, Chairman.

Hon. Robert Pukose (Endebess, UDA): Hon. Chairlady, I beg to move:

THAT, the Bill be amended by deleting the Second Schedule and substituting therefor the following new Schedule—

**SECOND SCHEDULE (s.
23) PRESCRIBED
COURSES**

A person is eligible for registration as a community health promoter where the person has undertaken training in—

- (a) Community health;
- (b) Psychology;
- (c) Counselling;
- (d) Social work;
- (e) Community HIV counselling and testing;
- (f) Immunization;
- (g) Community development;
- (h) Health education; or
- (i) Any other relevant training as prescribed by the Cabinet Secretary.

This is in alignment with the Primary Health Care Act No. 13 of 2023, which uses the phrase “Community Health Promoter.” Further, this is to allow the Cabinet Secretary for the Ministry of Health to prescribe additional training elements for community health promoters to be registered by the Community Health Promoters Council

Thank you.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Second Schedule as amended agreed to)

Clause 2

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 2 of the Bill be amended—

- (a) by deleting the definition of the term “community health unit” and substituting therefor the following new definition—

No. 13 of 2023. “community health unit” has the meaning assigned to it under section 2 of the Primary Health Care Act, 2023;

- (b) by deleting the definition of the term “community health worker”;
- (c) in the definition of the term “Council” by deleting the word “Workers” and substituting therefor the word “Promoters”;
- (d) in the definition of the term “register” by deleting the word “workers” and substituting therefor the word “promoters”;
- (e) by deleting the definition of the term “Registrar” and substituting therefor the following new definition—

“Registrar” means the person appointed as a Registrar under section 17 of this Act; and

- (f) by inserting the following new definitions in the proper alphabetical sequence—

Cap. 265. “County Chief Officer of Health” means a county chief officer of health appointed under section 45 of the County Governments Act; and
 No. 13 of 2023. “community health promoter” has the meaning assigned to it under section 2 of the Primary Health Care Act, 2023;

The amendment in (a) is for alignment with the Primary Health Care Act No.13 of 2023, which uses the term “community health unit”.

The amendments in (b), (c), and (d) are for alignment with the Primary Health Care Act No.13 of 2023, which uses the term “community health promoters”.

The amendment in (e) redefines the term “Registrar” to mean a person appointed as a Registrar under Section 17 of this Act. This is for proper drafting in line with the House drafting style.

The amendment in (f) is for alignment with the Primary Health Care Act No.13 of 2023 which uses the term “community health promoter”.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 2 as amended agreed to)

Long Title

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, the Bill be amended by deleting the Long Title and substituting therefor the following new Long Title—

“AN ACT of Parliament to regulate the practice of community health promoters; to make provision for the training and registration of community health promoters; to establish the Community Health Promoters Council and for connected purposes”.

The amendment is necessary for purposes of alignment with the amendments proposed within the text of the Bill, which have adopted the use of the term “community health promoters” used in the Primary Health Care Act No.13 of 2023 instead of the term “community health workers”.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Long Title as amended agreed to)

Clause 1

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 1 and substituting therefor the following new Clause—

“(1) This Act may be cited as the Community Health Promoters Act, 2022”.

The amendment is necessary for purposes of alignment with the amendments proposed within the text of the Bill, which have adopted the use of the term “community health promoters” used in the Primary Health Care Act No.13 of 2023 instead of the term “community health workers.”

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 1 as amended agreed to)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, we have concluded the consideration of the clauses in the Bill. For the information of the Committee and the House, the title of the Bill has been changed from the Community Health Workers Bill to the Community Health Promoters Bill. We will now proceed to report to the House. I now call upon the Mover to move reporting.

Hon. Martin Owino (Ndhiwa, ODM): Hon. Temporary Chairlady, I beg to move that the Committee do report to the House its consideration of the Community Health Promoters Bill, (National Assembly Bill No.53 of 2022), and its approval thereof with amendments.

(Question proposed) (Question put and agreed to) (The House resumed)

IN THE HOUSE

[The Deputy Speaker (Hon. Gladys Boss) in the Chair]

MOTION

CONSIDERATION OF REPORT ON THE COMMUNITY HEALTH PROMOTERS BILL
(National Assembly Bill No.66 of 2023)

Hon. Deputy Speaker: Chairperson, you may report to the House.

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Hon. Deputy Speaker, I beg to report that the Committee of the whole House has considered the Community Health Promoters Bill, (National Assembly Bill No.53 of 2022), and approved the same with amendments.

Hon. Deputy Speaker: Mover.

Hon. Martin Owino (Ndhiwa, ODM): Hon. Deputy Speaker, I beg to move that the House do agree with the Committee in the said Report. I also request Hon. Irene Mayaka to second the Motion for agreement with the Report of the Committee of the whole House.

Hon. Irene Mayaka (Nominated, ODM): Hon. Deputy Speaker, I second.

Hon. Deputy Speaker: Have you seconded?

Hon. Irene Mayaka (Nominated, ODM): Yes.

(Question proposed)

Hon. Deputy Speaker: Hon. Members, I will put the Question at a later time.

(Putting of the Question deferred)

Hon. Deputy Speaker: Next Order.

BILL

Second Reading

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION (AMENDMENT) BILL (National Assembly Bill No.66 of 2023)

Hon. Deputy Speaker: Hon. Irene Mayaka, you can move your Bill.

Hon. Irene Mayaka (Nominated, ODM): Hon. Deputy Speaker, I beg to move:

THAT, the Environmental Management and Coordination (Amendment) Bill, (National Assembly Bill No.66 of 2023), be now read a Second Time.

This is an Act of Parliament to amend the Environmental Management and Coordination Act and for connected purposes, enacted by the Parliament of Kenya as follows—

Section 147 of the Environmental Management and Co-ordination Act of 1999 is amended in subsection (2) by inserting the following new paragraph immediately after paragraph (b)—

(ba) make provisions for the prohibition of the introduction, growth or maintenance of trees of the eucalyptus species in and along any river, lake, sea or wetland.

The principal object of the Bill is to amend Section 147 of the Environmental Management and Coordination Act No.8 of 1999 to permit the Cabinet Secretary to make regulations to prohibit the planting of eucalyptus trees along rivers, lakes, seas and wetlands. This is meant to remove the water-intensive eucalyptus trees from water catchment areas and thus preserve ground water and prevent the reduction of water levels.

Hon. Deputy Speaker, the Bill delegates legislative power to the Cabinet Secretary, but does not limit fundamental rights and freedoms.

The Bill concerns county governments in terms of Article 110(1)(a) of the Constitution. It affects the functions of county governments under paragraph 10(2) of the Fourth Schedule of the Constitution on the implementation of specific national Government policies on natural resources and environmental conservation.

On whether the Bill is a Money Bill within the meaning of Article 114 of the Constitution, the enactment of the Bill shall not occasion additional expenditure of public funds.

Hon. Deputy Speaker, the reason I sought to move this particular Bill is that I promised myself something when I became a Member of Parliament. That I would leave a legacy before the end of the term. My legacy, in essence, is to save the rivers of this country, starting with my own home county of Nyamira. It had 11 rivers but, right now, only two have water. The reason for that is the extensive growth of eucalyptus trees along the wetland areas of our rivers.

Hon. Deputy Speaker, to put this into context, I will mention some other counties that have also been affected by the growth of the eucalyptus trees along the wetland areas. They are Bomet, Narok, Nyamira as I have mentioned, Siaya, Kisumu, Homa Bay, Bungoma, Kakamega, Busia, Kiambu, Nairobi, Machakos, Mombasa, Kilifi, Kisii, Vihiga, Nyandarua, Meru, Nyeri, Kericho and Kirinyaga. Almost half of the country is affected. Therefore, the aim of this proposal is to amend Section 147 of the Environmental Management and Coordination Act (EMCA), 1999, by introducing a clause that prohibits planting, growing or maintaining of the eucalyptus trees species in and along any rivers, lakes and wetlands.

To add on to that, from the scientific research that has been done, that particular eucalyptus tree and its species consumes an average of up to 90 litres of water during the wet season, and draws up to 40 litres of water during the dry season. It is very intense in its activities. Also, the leaves of the eucalyptus tree do not degenerate. In essence, they do not dissolve to being manure for our soils. You have to burn them. This means that any life form that is found within the rivers cannot be sustained. The eucalyptus are the most widely cultivated trees in the world. The genus eucalyptus comprises more than 900 species and various hybrids and varieties. Most eucalyptus trees grow naturally in Australia and in Kenya. That particular tree was introduced in 1902 to provide fuel wood for the construction of the Kenya-Uganda railway.

Hon. Deputy Speaker, the total area under eucalyptus in Kenya is about 150,000 hectares that is distributed in gazetted forests, land owned by large private companies, small scale farmers and local authorities. The area under eucalyptus is increasing at a very high rate because of its high demand for poles to be used for electrification, construction, fuel wood, and to increase the forest cover. A perceived ready market for eucalyptus product has motivated farmers to grow the species and yet, the extensive growing has led to the concern I am raising, especially along our wetland areas. Our country faces an escalating crisis of water security with major water towers such as the Mau Forest, the Mt. Kenya Aberdare ranges, Cherangany Hills, and Mt. Elgon that feed into vital catchment areas coming under severe threat. Climate change and human activities, particularly the cultivation of eucalyptus trees close to water bodies, contributes to the diminishing river flow and eventual drying of rivers. I mentioned that in my home county of Nyamira, 80 per cent of the rivers are nearly extinct.

This amendment comes at a very opportune time for us as a country because we are currently discussing Cop29 in Baku, Azerbaijan. Kenya is leading the African delegation in terms of: "How do we convert climate change into climate action?" This is relevant for us because we are not only talking about climate change, but also about an actual action that is being done by Members of this House to ensure that there is a posterity document in place. I am talking of an Act of Parliament that will ensure that we safeguard the rivers in this country. This is not only for us, but for generations to come as well. The young people of this country have to be made aware that, if we do not take action in terms of climate change for our country, then we are not helping the problem; neither are we helping the future generations.

Hon. Deputy Speaker, the reality is that our growing water demand and water scarcity have become an utterable challenge. Climate change, population growth, urbanisation, water pollution and poor management of water resources have aggravated the water crisis; thus, affecting economic activities, food security, education and health. There has been an environmental and community outcry in many countries which are suffering the negative effects of eucalyptus trees that are planted along water resources. Environmental degradation,

especially water scarcity, is a global concern, with international organisations like the United Nations International Children's Emergency Fund (UNICEF) predicting that close to half of the world's population will be living in areas facing water scarcity as early as next year, 2025. At the centre of this rising crisis is invasive trees like the eucalyptus species. Research evidence has revealed the vesting impact the tree has in several countries.

In 2023, a study in Ethiopia alluded to the fact that the rapidly expanding areas with eucalyptus on farmer's fields affected the blue water supply downstream. Other examples are the water wells in India and Zimbabwe that reported between 25 to 37 per cent reduction in a span of three to five years after planting of eucalyptus trees close to the rivers. Other countries, including Portugal, Spain and Rwanda, have banned eucalyptus trees completely. Portugal started the shift in 1990. Rwanda took the decision to ban the tree species in 2009, while Spain commenced what they called 'de-eucalyptulising' in 2018 and actively resorted to replanting other tree species - including the native ones – thus helping to boost the chances for nature to recover some of its resistances. All those countries have embraced other equally economically useful tree species that are friendly to the environment and protect the earth and its inhabitants.

During my research and working with the experts in the environmental space, I found that one of the trees that has been recommended as a replacement for eucalyptus is the bamboo tree. The reason for that is that the bamboo tree has equal economic benefits as the eucalyptus tree, but it is more friendly towards the environment, especially the wetland areas. It is our moment to follow suit in Kenya. The future management options of eucalyptus species call for interventions that must be regulated and coordinated at national level, and then cascaded to the counties.

That legislation is long overdue. In 2009, the late Hon. John Michuki, the then Cabinet Secretary for Environment and Forestry, ordered eucalyptus to be uprooted from water riparian areas. Despite the ban on planting of eucalyptus, that directive was not successfully implemented because there was no back-up of the law. Therefore, the regulations could not be implemented by the Cabinet Secretary.

Hon. Deputy Speaker, when it is passed by this honourable House, the proposed amendment will allow the Cabinet Secretary to make specific prohibitions on introduction, growth and maintenance of the eucalyptus species in Kenya. This will align and cement the existing climate change and sustainable environmental conservation regulation framework to achieve a more resilient eco-system.

In terms of public participation, I conducted a community focused engagement in my home county, which I use as a pilot scheme: "The Super MP Football Tournament." It had a running theme dubbed: 'Reviving our Rivers.' We ensured that young people who participated in that tournament planted alternative trees before they began the football game. For a period of four weeks, there was intense discussion about that particular aim of reviving our rivers within Nyamira County. Three weeks ago, there was another public participation exercise that was conducted in Kilifi County whereby stakeholders also agreed that following the passing of the amendments, the Government, private sector and civil society will collaborate to achieve the goals that are outlined in the Bill to promote sustainable development. I had an opportunity to also present this particular Bill before the Departmental Committee on Environment, Forestry and Mining. The Committee had an opportunity to conduct widespread public participation, including engaging the experts in the environment space and they approved this Bill to proceed.

The Environment Management and Coordination (Amendment) Bill, (National Assembly Bill No. 66 of 2023), is essential to protect our water resources. I recommend that the national institutions that are mandated to manage forests and water catchment areas like the Kenya Forest Service (KFS), the Kenya Forestry Research Institute (KEFRI) and Water

Resource Authority (WRA) provide site-specific alternative trees such as the bamboo tree and other native species to replace the eucalyptus entirely.

As I conclude, let me say that this Bill concerns county governments in terms of Article 110 (1)(a) of the Constitution. I will be making further communication, through the Speaker, on the co-sponsor of this Bill in the Senate. I just want to reach out and express to Members that the country needs to take action so that we can protect our fields and rivers. That can be done by putting laws in place to ensure that we protect our environment.

Hon. Temporary Speaker, I will finish with a quote from a French proverb: "We never know the worth of water till the well is dry."

I submit. Let me call upon Hon. Jane Kagiri to second. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Jane Kagiri, please, proceed to second the Bill.

Hon. Jane Kagiri (Laikipia County, UDA): Thank you, Hon. Temporary Speaker.

I stand to second the Environment Management and Coordination (Amendment) Bill. First, I take this opportunity to congratulate Hon. Irene Mayaka for a very well-thought-out amendment. As I second, I want to first take you through some statistics. It is medically recommended that each person takes two litres of water per day. So, a family of five would require 10 litres of water per day. The eucalyptus tree requires 90 litres of water per day. That is the water intake of 45 Kenyans. Majority of Kenyans do not even meet the two litres requirement, not because they do not want to, but because they cannot access that water. As a country, it would be very unfortunate for us to continue allowing that tree to be planted next to our riverbeds and water sources, knowing that it is taking up water, which would be of greater use to our people.

Secondly, that tree causes a lot of soil degradation. An acre of land in Kenya would fit around 3,000 trees. A quick math of what I have just mentioned would mean 270,000 litres of water being taken up per day on that particular area of soil. That will cause a lot of soil degradation even to the neighbouring pieces of land because the roots of the eucalyptus tree stretch onto other pieces of land. Eucalyptus trees are causing a lot of soil degradation in our country.

Thirdly, I want to speak to the biodiversity loss in regard to the tough decomposition of eucalyptus leaves. Unlike many other trees whose leaves decompose and become manure for the soil, the eucalyptus leaves do not decompose. So, they are not of any benefit to the soil in that area. They affect the flora and fauna of the particular area.

I want to speak about its effect on the water quality. As I have said, the eucalyptus tree sucks in a lot of water thus affecting the surface water. It takes up all the surface water. The surface water normally has a lot of nitrogen and phosphorus, which is important for soil nutrients. We again lose it because of that particular tree.

In regards to the local climate, the eucalyptus tree is not beneficial to us. In fact, it causes desertification.

With those many remarks, I hope we have convinced this House that we need to amend this Bill to ensure that never again should our water sources dry up because of the eucalyptus tree.

Thank you, Hon. Temporary Speaker. I submit and second.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Mayaka and Hon. Jane Kagiri.

(Question proposed)

Hon. Members, I can see interest in this debate. I guess this is the Bill that you want to speak to. Let us start with Hon. Gichimu Githinji, Member for Gichugu.

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Hon. Gichimu Githinji (Gichugu, UDA): Thank you, Hon. Temporary Speaker. I rise to support this Bill by Hon. Irene Mayaka. This is a Bill of life as it is seeking to protect the wetlands where we normally get our water from.

Although eucalyptus trees have some benefits, I think the disadvantages outweigh their advantages to the Kenyan populace. I am happy that Hon. Mayaka has conducted a lot of research across the world and also came up with the areas where eucalyptus trees have been banned. Out of my research on that eucalyptus tree, one of the interesting areas is Portugal. In 1989, there was a war in the Valley of Lila, a place called *Veiga do Lila* in Portugal, where hundreds of people gathered to destroy 200 hectares of eucalyptus trees, fearing that the trees would rob them of their water and bring fire. I believe that is one of the revolutions that led to Portugal banning the growth of eucalyptus trees in wetlands, riparian areas along the rivers, and so forth. Those trees have been referred to as thirsty species. A research from India has shown that eucalyptus trees take more water than what is replaced by rainfall. That means any kind of life is threatened by those eucalyptus trees.

Without belabouring the point, it is also worth noting that this law now gives the Cabinet Secretary an avenue to make regulations that would firmly make it possible for the enforcement or management of the wet areas and the catchment areas, in respect of the eucalyptus trees. That is in line with Article 95(6) of the Constitution, which provides that Parliament has the power to make laws, but also has all the power to delegate legislation of those laws. This provision gives that avenue to Parliament to delegate that power to Cabinet Secretaries to come up with regulations towards the management of the growth of eucalyptus trees in this country, especially in the wet areas where we get water. Back in my county of Kirinyaga, the eucalyptus trees are a big threat to the rivers. Some of the rivers have dried up because of the eucalyptus trees. That is why I stand here to support this Bill, which also looks at the issues of climate change.

Climate change is not only about air and planting trees. It is also about climate change action in areas that threaten the lives, both of humans, plants and other species. When rivers dry up, we also lose lives that are found in the rivers, including fish. That is a threat to food security in the country.

Hon. Temporary Speaker, my research also shows that in February 2020, the then Cabinet Secretary for Environment, Hon. Keriako Tobiko, called for the uprooting of the eucalyptus trees in all wetlands and catchment areas. That was just a directive which had no legal backing. This legislation comes in handy to make sure that there is a legal framework that a Cabinet Secretary can use to enforce such kind of directives. If someone never followed or obeyed that directive, there was nothing that would have happened to them. Regulations that are coming through the Cabinet Secretaries would help in this space a lot.

I support this Bill and thank you for giving me this opportunity. I also thank Hon. Irene Mayaka for bringing this, which I would call, "Bill of life."

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Member for Gichugu. Hon. Martin Owino, Member for Ndhiwa.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Temporary Speaker. I rise to support this amendment Bill. I want to congratulate Hon. Irene Mayaka for taking the first shot at the Bill. It is very tiring and very needy. There is a lot of research that has been thrown into it. It is true that global issues, when it comes to the environment, are progressive. Therefore, a Bill giving the Cabinet Secretary a mandate to make policies is in order. We will need those policies from time to time.

I grew up in a rural setting and there were some rivers which never dried up. You heard Homa Bay being mentioned as one of the areas that are affected by the drying up of rivers. It is true that, that is causing problems and that, if not abated, we will end up in a crisis. The human body needs between 45 to 75 per cent of water, depending on gender and all that, but

that is the range. If the rivers continue to dry up, the common *mwananchi* will have no access to water. That reduction of water in the body may cause a lot of ill health. This is for sure. If we find eucalyptus trees to be one of the factors that are causing that, and we know global issues are progressive, then we have to have that as a strategy. I recommend what this Bill is going to do. We need to have that as a strategy.

Eucalyptus trees dehydrate the soil. That is the most important part of it - the soil dehydration around it. It then causes other species such as shrubs to die off. That interferes with the ecosystem of our environment. Our environment constitutes many stakeholders, including rickets, insects and every shrub around it. So, when the water is depleted, it interferes with the ecosystem. As one of us has said, there is some good in that, but the bad outweighs what eucalyptus trees do to our environment. To Hon. Mayaka, this is in order. We are talking here about soil health when it comes to the cultivation of our crops and all that. The home river I said dried up and left the community in disarray. It used to serve us well. When we were growing up, it was abundant with water. People used to fish there and do other things such as drawing water to irrigate and plant other things. Right now, it is a wash bay. It flows when it rains and dries up when the rain goes, and that is the end of it because of the eucalyptus trees which were planted around it.

It out-competes with other species. That is another issue. It out-competes them completely so that, where you find them grown, there will be no other things growing because of that out-competition. Uprooting them is the way to go, but also avoiding them so that we do not add more insult to injury. That is very important.

As I conclude, I want to congratulate Hon. Irene and Hon. Kagiri who has seconded this Bill with a lot of facts. I urge other Members to support it and vote for it so that we can start implementing it.

Thank you, Madam Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Naomi Waqo, Member for Marsabit County.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to support this Environmental Management and Coordination (Amendment) Bill, (National Assembly Bill No. 66 of 2023) by Hon. Irene Mayaka. I also want to congratulate her for coming up with this amendment Bill which is very relevant to every part of this country. It is very important, especially now when we are talking about climate change. Kenyans and the entire world are struggling with how we can cope with that situation. I support this amendment because of the facts that she has already given and other facts that all the other Members have given. I also want to add my voice to that so that the proposed amendments can be put in place to save the situation in our counties and different parts of this country.

Hon. Temporary Speaker, as you may know, some time back, it was like a tradition for all of us to plant the eucalyptus trees all over. Little did we know that the disadvantages were so much such that we did not even imagine that in some few years, we would be talking of the negative impact it has had, especially for those of us who come from ASAL areas. We and our parents have planted them in our farms, small *shambas*, our plots, and even around the wet areas. At the end of the day, the trees have done a lot of damage. The earlier we get rid of those trees, the better for us. Although I know many people have been talking about the advantages such as the medicinal side of it, and all those other things, but when you look at the negative impact, it is so high that we need to get rid of them.

Hon. Temporary Speaker, after looking and doing a bit of research on that type of tree, I have seen that its roots spread up to 100 feet, which also means that, if you plant it close to your house, the damage it causes is huge. Your house can be brought down by it. People in the villages do not have a lot of resources. They cannot afford to come up with a very strong

foundation for their buildings. So, when you plant eucalyptus trees around those areas, your house would be damaged. Many people cannot insure their houses and the loss would be so huge on them. That is because repairing the houses would be costly.

I have heard many people from my village complain about that and trying to relocate their houses to a different place, which is not easy because of the cost. Another thing that I have seen from experience is that during the windy and rainy seasons, eucalyptus trees easily fall. When they fall, the damage is huge because they might fall on houses, classes and even on human beings.

Hon. Temporary Speaker, there is no need to plant eucalyptus trees as they are a disadvantage to our community. I support this Bill so that we get rid of them and replace them with other trees that have relevance and are of benefit to our communities.

With those few remarks, I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Christine Ombaka, Member for Siaya County.

Hon. (Dr) Christine Ombaka (Siaya County, ODM): Thank you Hon. Temporary Speaker for giving me this opportunity. I rise to support this Amendment Bill because it is good for the country.

If planting of eucalyptus trees is one of the causes that affect our water, it is better to sacrifice and ban them, especially along the rivers and springs. Anything that affects mankind in terms of water resources is a dangerous thing. Women of all ages, and even boys, suffer a lot whenever they are looking for water. Some even spend a whole day looking for water in the rivers, springs and all over. Even in areas without eucalyptus trees, the situation gets worse at times. This would be made worse with eucalyptus trees around. Therefore, any tree that would cause dryness by sucking water from springs and rivers is a dangerous one.

I support this Bill because human beings are the ones who suffer. Water is life. Without water, there is no life. So, this is a dangerous tree that we need to control its planting to ensure that it is not grown along the river banks.

My next point is that people plant those eucalyptus trees because they believe it is medicinal. Yes, it is. That has been confirmed. Eucalyptus is used to treat various diseases like coughs and colds, and it is also used in insecticides. Therefore, the people see the benefit of it.

However, the people need to be educated on its effects so that they take precautions. During the tree planting season, people plant any tree that they see. It is important to use such opportunities to educate the people on the type of trees to plant and which ones to avoid. That way, we will avoid planting trees that are harmful or those that will affect our daily lives. I support this Bill because it is touching on the very core of human life – that is water.

Women bear the biggest burden. Therefore, we need to ban planting of eucalyptus trees along the rivers, springs or any water sources that we have around.

I support the Bill, and we will continue to debate on it. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Patrick Ntwiga, Member for Chuka/Igambang'ombe.

Hon. Patrick Ntwiga (Chuka/Igambang'ombe, UDA): Thank you, Hon. Temporary Speaker. I stand to support this important Bill by Hon. Irene Mayaka.

I come from the Tharaka-Nithi County, Chuka/Igambangombe Constituency, where the eucalyptus tree is a main problem.

I want to look at the problems the eucalyptus trees have caused in terms of the investments that we are doing, the water catchment areas for irrigation, and all the water intakes that we have done in my constituency. The Government has invested so much money in those things. People have started doing irrigation using the water projects, but our rivers are drying up. All the investment that we have done in the intakes is going to waste.

Hon. Temporary Speaker, it is important for us to avoid eucalyptus trees because in planting them, we are reversing the already laid out investments. In my constituency, we have an investment of almost Ksh1 billion by the European Union for a water intake that is supposed to serve Chuka Town and its environs. But because of those eucalyptus trees that have been planted along the river, we are losing almost five intakes now. Those intakes have water almost two to three months per year and, the rest of the season, they do not have. You are left wondering whether it worth to have all those investment in those intakes, important irrigation and drinking water projects, only to have water three months per year and yet, it is something that we can avoid by not planting eucalyptus trees.

This is a very important Bill, and I am happy that it has come at this particular time. As Members of Parliament, we have enhanced our environment kitty. At home, people like being given alternatives. We need to tell our people not to plant eucalyptus trees. It is, therefore, the right time to engage our people constructively. I love the research that Hon. Irene Mayaka has done, and I would really wish that it be shared widely. Even the examples she has given of countries that have dealt with this matter of eucalyptus trees... As we engage, we should do so from a factual point, a point of knowledge, and a point where we can show them that it has been done elsewhere and so, it can be done in Kenya too.

Thank you, Hon. Temporary Speaker. I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Richard Yegon, Member for Bomet East.

Hon. Richard Yegon (Bomet East, UDA): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity to also contribute on this issue of eucalyptus trees.

I want to also congratulate Hon. Irene Mayaka for bringing in this issue. There is a time we talked about those eucalyptus trees, but I think it died off just like that. This time round, we are going to act because when eucalyptus trees are planted along the rivers, they tend to drain a lot of water. They absorb a lot of water, thus making the rivers to dry up. It is high time we enacted serious laws so that areas where eucalyptus trees are planted can be categorised. They need to be put up in the hills, where they do not drain a lot of water like when they are planted alongside the rivers. I have heard people in my area say that when you cut a tree near a river, you will find a lot of water coming out of it, and you can even collect water from it.

Therefore, we need serious laws to curtail the issue of planting trees along the rivers. Water gets finished within some few months after the rains. River beds go dry. So, we want to enact serious laws to make sure that this rule is followed. For those people who have planted trees along the rivers, I want to say that when this law is enacted, there should be a mechanism to penalise them. We also need to put stringent measures on those who plant eucalyptus trees along the boundaries with other people. It should be approximately six metres off the boundary. We need to implement stringent measures to ensure that eucalyptus trees are planted at least six meters away from a neighbouring boundary, as they can negatively affect nearby farms by drying them out. I fully support this initiative. Additionally, we must establish robust laws to prevent the planting of eucalyptus trees in inappropriate areas.

The Temporary Speaker (Hon (Dr) Rachael Nyamai): Next is the Member for Kisumu County, Hon. Ruth Odinga.

Hon. Ruth Odinga (Kisumu County, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I support this Bill by Hon. Irene Mayaka.

First of all, the eucalyptus tree has a high transpiration rate, which means its taproots extend deep into the ground. When it is planted along the rivers, its roots reach far down, allowing it to absorb water not only from the soil around the river, but also from the river itself. That results in the depletion of water in both areas, thus making it dangerous to plant eucalyptus trees near any waterways.

[The Temporary Speaker (Hon (Dr) Rachael Nyamai) left the Chair]

[The Deputy Speaker (Hon. Gladys Boss) took the Chair]

Secondly, it is so sad that while the Government encourages us to engage in tree planting, the efforts are often indiscriminate. We tend to plant any tree that we come across without proper guidance on which species are suitable and the appropriate locations for their growth. While I do not oppose the planting of eucalyptus trees, it should be done in designated areas. For instance, in forested regions, specific areas can be set aside for such medicinal plants. Countries in West Africa have successfully implemented similar practices where designated areas for planting medicinal plants like eucalyptus are established. It should be given its status as a medicinal plant and be planted in designated areas, where those who want to use it as an herb or for medicinal purposes can cultivate and use it. We should not have it planted in an area where it is going to affect the people around it.

Additionally, eucalyptus trees should not be planted in agricultural or inhabited areas, as they compete for vital water resources that are needed by other plants and crops. Their presence can significantly impair the growth of local flora. So, the eucalyptus tree should not be planted in farming areas and habitable areas. It should only be grown in a designated area in a forest.

Another point to consider is that the leaves of the eucalyptus tree do not decompose like those of other trees. Instead of breaking down into usable compost, they accumulate over time.

I support this Bill as it suggests that eucalyptus trees should not be planted along waterways or in areas that are inhabited by people. Rather, they should be cultivated in designated forested areas for medicinal purposes where they can be grown and used.

With those few remarks, I thank Hon. Kagiri and Hon. Mayaka for bringing this important Bill. I support this Bill.

Hon. Deputy Speaker: The Member for Baringo, Hon. Jematiah Sergon.

Hon. Jematiah Sergon (Baringo County, UDA): Thank you, Hon. Temporary Speaker. I would also like to take this opportunity to congratulate and thank my friend, Hon. Irene Mayaka, for introducing such an important amendment Bill that will enable the Cabinet Secretary to establish regulations to curb the planting of that dangerous and inefficient plant.

I come from a naturally dry area, but I have also seen the effects of eucalyptus tree planting in other parts of the county. The consequences of that tree are evident in the drying up of rivers. While

While I was growing up, we had flowing rivers where we could swim and graze our fathers' cattle. But now, those rivers have dried up, and the environment is degrading day by day.

In her Bill, Hon. Mayaka took the time to educate us about the benefits of eradicating the eucalyptus species. She even defined the harmful species, such as the *Eucalyptus globulus*, that is commonly known as the blue gum, and is renowned for its water-hungry nature. That tree has the potential to deplete water sources, thus affecting rivers in areas with limited water availability. We primarily depend on rainfall for our agriculture and other needs. Therefore, the planting of eucalyptus species like blue gum, which are used for construction and commercial purposes, poses significant dangers despite their benefits. That tree is likely to harm the environment.

This is a resourceful Bill and, therefore, I urge the Cabinet Secretary to take the challenge and come up with proper amendments to regulate the growing of the eucalyptus tree, especially to those individuals who have the penchant to earn an income in ways that harm the environment. I also encourage the Ministry to explore alternative trees that can replace the

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eucalyptus and provide similar benefits. Hon. Mayaka has given us excellent examples such as the bamboo tree, which acts as a water reservoir. It collects and stores water during the rainy season. It has extensive fibrous roots, and is valuable for furniture, carpentry and construction. The bamboo tree is an ideal replacement that can be planted along waterways and rivers to help restore life. We cannot do much without water, as water is essential for all of us.

As the Government of the day, our President has urged us to plant trees, with a target of up to 10 billion trees in the next five years. However, we cannot proceed with that initiative as long as the eucalyptus tree exists. We plant trees to encourage more rainfall, but with the eucalyptus trees present, the very water we are trying to attract through rainfall will be depleted. This is one of the best Bills. It is progressive and will benefit us in many ways.

Lastly, I keenly listened to what an Hon. Member said, that a eucalyptus tree can take up to 90 litres of water per day in wet conditions and 40 litres per day in dry conditions. This is very serious. We should eliminate it fast like they did in Portugal. One day, they went into the forest and cut down all the eucalyptus trees. It will also be good for this country to adopt a very radical, purposeful and intended resolution of ensuring that eucalyptus trees are no longer planted, especially in the highland areas.

In you go to Kericho and Bomet where they plant a lot of tea, you will see eucalyptus trees along the river banks. In those areas, it rains every day and yet, people do not have water. In Nandi, if you sink a borehole, you will not get water because the water table is too low. The eucalyptus trees have highly contributed to that. It is good that we have identified the problem. I urge the ministry to solve it so that we can preserve our water towers and reservoirs.

When Hon. Soipan was the Cabinet Secretary for the Ministry of Environment and Forestry, we went to plant trees in Nyandarua. A lake had dried up because the eucalyptus trees had been planted around it. That tree has been tested and proven to give a lot of negative response to the environment.

Thank you, Hon. Deputy Speaker. With that, I support.

Hon. Deputy Speaker: Member for Luanda, Hon. Dick Maungu.

Hon. Dick Oyugi (Luanda, DAP-K): Thank you very much, Hon. Deputy Speaker, for giving me an opportunity to also add my voice to this very important Bill. Allow me to appreciate Hon. Mayaka for bringing it since it will go a long way in addressing some of the challenges that we are facing in this country with regard to climate change, wetlands and the conservation of the environment.

As a young boy, I grew up in an environment with many wetlands and the climate was very conducive. The springs and water points were intact. So, we had enough water for human and animal consumption. A time came when there was clamour to plant trees. It happened that the eucalyptus trees were planted. Little did we know their impact. Many years down the line, we are seeing the repercussions of having planted those trees along river banks, wetlands and sources of water.

I appreciate the Member for bringing a very good document which is showing the cost benefit and pros and cons of eucalyptus trees in our society. When they were introduced, many people, especially small-scale farmers who had some extra land, thought it wise to plant those trees so that they could get firewood and supply electric power poles. It appeared to be a short-term measure of making money. By and large, that tree is dangerous and very vicious in the sense that it ensures other crops do not have enough water and absorbs all the water in our wetlands.

Our wetlands and rivers are shrinking and drying. Some of them have become extinct. This amendment Bill will ensure that we safeguard our wetlands and rivers. This will go a long way in giving dignity to mankind. As stated, that tree can draw as much as 90 litres of water per day. I am trying to imagine an animal that can consume such an amount of water per day. I cannot think of one. If those trees continue to absorb such an amount of water, at the end, we

will have very dry lands and no rivers and wetlands. There shall be no life. We all know that water is life.

Kenya largely relies on agriculture to feed communities. Those trees are drying the agricultural land and reducing food production. I support the amendment that has been captured by my good friend, Hon. Irene, so that we can redeem our wetlands and rivers to be as they were before. I come from Vihiga County and we grow the blue gum tree in our area. The eucalyptus tree looks attractive and beautiful. To some extent, it has some medicinal benefits, but they are far much less compared to the water it consumes.

COP29 is taking place right now. It is all about global warming and damages that are caused by human beings to the environment. Therefore, eliminating eucalyptus trees and planting bamboo trees will go a long way in maintaining our wetlands and rivers.

I support and congratulate the Member for bring this amendment Bill at this point in time. Thank you.

Hon. Deputy Speaker: Member for Nyeri Town, Hon. Maina Mathenge.

Hon. Duncan Mathenge (Nyeri Town, UDA): Thank you, Hon. Deputy Speaker. I rise to support the amendment Bill by Hon. Irene. It is true that the eucalyptus tree has been studied by the Kenya Forest Service. The issues surrounding its effects on water sources are not disputed. As a country, it is imperative that we plan better and implement meticulously.

There is no doubt in our minds that electrification in this country has largely been supported by poles from the eucalyptus trees. Those poles also offer affordable fencing in our rural smallholder farms. Due to its fast growth rate and maturity, our timber industry is largely supported by those trees. We cannot wish away their benefits to the economy and rural livelihoods. In rural Nyeri, households that use firewood depend on those trees. It is paramount that we come up with a comprehensive land use plan so that eucalyptus trees can be grown in designated areas or regions. It is easy to look at the negative effects, but it is imperative that we also strike the necessary balance so that we do not upset livelihoods, especially of vulnerable members of our society. I encourage Hon. Mayaka to pursue this and consult more experts. She should not only involve the national Government, but also the county governments, in terms of setting aside zones.

In my area of Nyeri and Mount Kenya region, our tea factories largely rely on wood to process tea. Quite a number of those tea factories have leased lands, some in very unsuitable areas like Kieni, where eucalyptus trees should be banned. The area covers 52 per cent of Nyeri County, and it is semi-arid. On the other side, we have Tetu, Othaya and Mathira, whose economies are also dependent on tea growing and processing. Therefore, a delicate balance, on both the environmental effects and the economic use that the eucalyptus trees contribute in our country, needs to be properly established.

The environmental impact assessment reports on areas where the eucalyptus tree is grown on large scale basis ought to inform the direction that we will eventually take in amending the Environmental Act. It is critical that we do not upset areas that are largely dependent on that tree without providing a viable alternative to its contribution and economic use.

Hon. Temporary Speaker, I support.

Hon. Deputy Speaker: Thank you very much. The Hon. Member for Funyula, Hon. Wilberforce Oundo, proceed.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you Hon. Deputy Speaker for giving me this opportunity. Let me thank the young lady, Hon. Irene Mayaka, for bringing this amendment to the Environmental Management and Coordination Act. The purpose is that it is an Act of Parliament to amend the Environmental Management and Coordination Act and for connected purposes. Principally, the gist of the matter is to provide for the banning or prohibit the planting of eucalyptus species in and along any river, lake, sea or wetland.

All of us know that Kenya is a tree-scarce country. We have not yet gotten the 10 per cent forest cover that we desire. We always hope and pray the initiatives that are being rolled out by the current regime will result in adequate forest cover so that we can solve climatic changes and be in a position to deal with the adverse effects of the same.

There are very many tree species in this country, exotic, indigenous and some hybrid. They have different implications and effects on the environment and the general welfare and well-being of the people of Kenya. There have been numerous researches and reports that have indicated eucalyptus species are heavy consumers of water and, therefore, whenever they are planted near water sources, along riverbeds or any other water board masses, they have some negative effect on the water availability in that particular area. I do not want to dispute the researches because that is not my area of specialisation and being somebody who has consumed research reports, I want to take it as it is and that is the correct position. If there is adequate research, and I believe scientists in this House, scientists at Kenya Forestry Research Institute (KEFRI), and all over, will be able to inform this debate before we conclude.

Let me also echo the sentiment that have been raised by the Member of Parliament for Nyeri Town, who has clearly indicated that because of their early maturing and fast growing, eucalyptus trees have become very popular, especially in the construction industry. That is because they are used as props and for many things. I am also aware they are important in the tea sector. That is now a debate that Hon. Irene needs to engage those particular Members of Parliament from tea growing areas who use eucalyptus trees for tea processing and other uses in their areas.

It might also be important that, as we ban eucalyptus trees, she must also engage, probably with association of contractors or builders, to see the substitute to be brought in this case. Probably with time, it might be important for Hon. Irene Mayaka, again, to look at a segregated way of applying that prohibition. There are some areas that eucalyptus trees have grown for many years and their adverse effects have been mitigated by adequate rainfall. There have been areas that are semi-arid or do not receive adequate rainfall like Funyula Constituency. Obviously, growing eucalyptus trees poses a very big danger on the survival of the few seasonal streams and water masses. This is a debate we cannot conclude today. I request that she engages further so that we are in a position to resolve this matter.

[The Deputy Speaker (Hon. Gladys Boss) left the Chair]

[The Temporary Speaker (Hon. David Ochieng') took the Chair]

As I conclude, it is important that we need to continue the issue of afforestation in this country. We have many hills that are depleted of forest cover because of adverse economic activities. Truly, Hon. Temporary Speaker, you and I share the border and some of the hills between my constituency and yours are so bare that when I stand on top of Odiado Hill, I can see everything, Nyalenya Primary School, and all over the place. We must put our hands together and populate those hills with indigenous trees so that we protect the forest cover.

Talking on the same issue, there is this matter of the carbon credit programme. In such an important Bill, the Chairman of the Departmental Committee on Environment, Forestry and Mining would have been around. In the fullness of time, they need to educate Kenyans on how that carbon credit programme works and whether the early maturing eucalyptus can actually be part of the solution or a programme on that particular case.

In many of our villages, we use pit latrines. Let me give an example. I have a eucalyptus tree next to my pit latrine in my compound. Because there is a lot of water seepage, that tree has grown very fast. I probably want to lend credence to the finding of Hon. Irene that, that eucalyptus tree knows how to extract water from underground. It is the tallest. One day, Hon.

Temporary Speaker, when you come to my place, I will take you there to take a picture so that you can send it to Hon. Irene to confirm her fears that, indeed, that is the problem we have.

In this country, we have introduced species that have become very invasive. If you go to North-Eastern and Samburu areas, the Mathenge tree was brought as a panacea for some arid and semi-arid areas. It has turned out to be a headache and heartbreaker to many families. I want to urge the scientists that are involved in the introduction of new species, be it trees, other plants or even animals of whichever nature, to undertake adequate pilot studies so that whatever we eventually introduce into our environment is not harmful in the long run in order just to solve short term issues.

Thank you, Hon. Temporary Speaker. I support. I urge her to engage further before we come to the Committee of the whole House so that we can make sure to tailor the amendment to suit the various ecological zones of Kenya.

The Temporary Speaker (Hon. David Ochieng’): Well said. Hon. (Dr) Oundo, you need to plant more trees especially in Odiado Hills. You need to get the best species for Odiado Hills. Let us hear the Member for Moiben.

Hon. Phylis Bartoo (Moiben, UDA): Thank you for giving me the opportunity to contribute to the Bill by Hon. Mayaka.

I am a very good farmer of eucalyptus trees. I have planted so many of them in my entire farm. One, it is a very easy tree to plant and it grows very fast. Two, we harvest firewood considering that we come from rural areas. The Kenya Power and Lighting Company (KPLC) is a very good customer because it gets electricity poles from there. We need to regulate the growing of the eucalyptus tree because we have been given its disadvantages. It becomes very problematic because people are not well informed and educated on the rules of growing the eucalyptus tree. The eucalyptus tree seems a quick win. Firewood is no longer a problem when you grow eucalyptus trees, within a short time. You will get saw millers coming to purchase them. Given the cost of living in Kenya at the moment, and getting very fast returns on investment from planting a tree, it becomes a very easily targeted tree to grow.

Regulating the growing of the eucalyptus tree in Kenya will go a long way because many people do not know its negative effects. It consumes a lot of water if it is planted in wet areas and creates desertification. I think the most important issue here is to educate the masses and communicate. Let the Ministry of Environment and Forestry come out openly to do advocacy and civic education in the entire country to educate the farmers on the pros and cons of growing eucalyptus trees.

For instance, people have vast pieces of land in my Moiben Constituency. They grow maize there. Apart from that, they also do not mind growing eucalyptus trees on their fences or in the spaces in the land. This is because they are another highly marketable source of livelihood that enables them make an extra coin. Saw millers go around buying the trees that are not cheap. There is very good value for every tree you plant. You can even get up to Ksh5,000 per tree. Imagine having 100 acres of land and just deciding to do eucalyptus tree growing business. In that case, you do not care what happens to the land after that. Most people live one day at a time. You just do your bit, harvest, make money, educate your children, get returns on investment and life goes on.

To avoid such scenarios, let us make a very clear regulatory framework to regulate the growing of those trees or ban them completely. For us who grew up in rural areas, you were supposed to walk long distances looking for firewood. If you have to struggle to make money, it is very easy to plant the eucalyptus tree. It is an option because, at the end of the day, it will elevate your life and educate your children. It will give you money – *pesa mfukoni*. We need to establish a very clear framework, and then go ahead to create advocacy programmes in every ward and constituency. People can then be knowledgeable on why they should not grow eucalyptus trees in wetlands or rivers, but look for other options like bamboo trees. It is about

knowledge. I am a Member of Parliament and a farmer, but I am also a victim. I am guilty as charged because I have a eucalyptus plantation since it is a source of quick money. How many others are like me in Kenya? We might not...

The Temporary Speaker (Hon. David Ochieng’): How many years do you have to wait before you make that quick money?

Hon. Phylis Bartoo (Moiben, UDA): Within two years. It is very lucrative because within two years, you get money, firewood and shade. In places where trees take a long time to grow and people do not have information on the effects of the eucalyptus tree, it is easy for someone to think that planting eucalyptus trees is the best thing that can happen to them because of the easy money. As I said before, there are people who imagine that to deal with climate change and plant many trees, the best tree to plant is the eucalyptus tree because it grows very fast and creates more tree cover since it is highly resistant and survives longer compared to the other species of trees. Even when the rains delay, the eucalyptus tree has a very high survival rate.

I thank Hon. Mayaka. We should create a very clear regulatory framework and go out there and educate the masses on the pros and cons of the eucalyptus tree. If we must cultivate it, we should designate areas where we can do so, if it will not affect the environment. People still plant it because it is the fastest way to get money. Buyers encourage the masses to grow eucalyptus trees. Kenya Power is the first customer. They go around with big trucks buying eucalyptus trees. Who will sit back and refuse to grow eucalyptus trees when everybody else is making good money?

We still have issues with firewood in our rural areas. Who will tell our mothers that the eucalyptus tree is not good for the environment and yet, it can grow within three years and sort out their firewood issues? Firewood is a very important ingredient in the rural areas. People need firewood to cook and in functions. It is the source of fuel for schools in Kenya, especially in my constituency, where they use firewood to cook. It is still the fastest source of income in every household, institution and village, especially in my constituency.

Hon. Mayaka, I applaud you for taking the initiative to ensure that there is a framework which can be implemented and people can be educated, so that they can make informed decisions on whether or not they must grow eucalyptus trees.

Hon. Temporary Speaker, where should they do it? Otherwise, Kenyans will still continue and because it is a source of income, why not? If it is also going to shape their livelihoods, why not? It is going to put money into their pockets, why not? Life is a process and in any way you put bread on the table, that is what you would go for.

So, we need a very clear regulatory framework. We need to come out of our offices, especially the Ministry of Environment, and go to the villages and educate our mothers.

The Temporary Speaker (Hon. David Ochieng’): Well said, Member for Moiben. This chance goes to the Member for Bondo.

Hon. Gideon Ochanda (Bondo, ODM): Thank you, Hon Temporary Speaker. Yesterday, when Hon. Irene told me about this Bill, I asked her twice... If you look at Nyamira and Kisii, every piece of land has blue gum trees. So, when I asked her whether she was very sure about this, I just thought it could be true. There is quite a bit of havoc that, that tree might be causing.

However, what happens to your neighbouring counties if we do away with blue gum? It is a hard question. It is really a hard question that requires quite a bit of soul-searching. One thing that we have in the country is that we do not do much in terms of background checks in terms of even the varieties to ascertain whether they are seed varieties or they are tree varieties, or whether they are animal varieties in terms of what we bring around.

A lot of those exotic plants and animals definitely have issues with our environment. So, we need to check that blue gum. Of course, they have brought in a number of varieties from

one time to another. They were saying that one variety was the cause of many problems and it was wasting land. The next one was consuming a lot of water. They are now saying that there is a better species which matures quickly from South Africa.

Everybody was encouraged to grow it for purposes of what was being said in terms of the economic returns. If you look at all this, there are quite a bit of contradictions that go with it but, definitely, some background check needs to be done on some of those species. A much more important thing is the whole issue of water catchment areas – what we call riparian areas or water towers. Definitely, what we call water towers or catchment areas are the ones that have rain. They are the ones that have water. So, if, again, you want to grow some of those trees where there is much water, then it means that it is in the water towers that you will be growing those kinds of trees.

This is because when we talk about riparian areas, which are a very big problem in this country, we do not know the extent from a river surface or lake surface or some kind of natural water body. If you even look at the swampy areas, one does not know exactly how much of it is riparian. The Constitution says for example, with regards to water levels, that it is what you measure at the highest point.

So, if there is a way that counties could get people to realise that if you are talking about a river and you are talking about the catchment or the extent at which the riparian goes, I think there needs to be marks. So that, beyond the marks, you do not do certain things and certain activities are permissible within the marks. Until we do that, it is going to be a very big problem.

For example, if you are saying that you cannot grow blue gum in some parts of the country, it is going to be a major war against the public like it has been mentioned. That is because people have been encouraged over a period of time to grow those trees. They are a source of income. It is true they are a source of income. Everybody has grown the trees and there is market for them. So, if you want to do away with it, you must create a very serious alternative source of income for some of those places. Like I have mentioned, in Nyamira and Kisi, each piece of land has a banana and a Eucalyptus tree. Of course, they are doing that because of the kind of returns that come with it. So, let us take time and check what riparian areas are, where they are, whether they are marked and their geography is known so that people can get it. We need to know the exact source of some of those tree species, whether they are seeds or whatever. We are slowly getting dependent on all manner of seeds from external sources. Seeds are basically coming from outside. We no longer have our own seeds, including the food crops that we are growing. Some kind of a research needs to be properly conducted around this area so that we do not get into situations that we are finding ourselves in.

There are some contradictions. If you say that the plant takes 40 litres of water per day, what happens to that plant when there is no rain? If that was the case, then all of them would be dead in a moment when there is a dry spell. In my view, some of those things need to be checked whether they are right or wrong, even if we are using them for purposes of convincing ourselves. If one eucalyptus tree takes 40 litres of water per day, then it means that all of them would die when there is no rain, without us even debating about it here.

To some extent, I agreed that those things need to be checked. We must look at the kind of information and education we have sent out in terms of the economic benefits of some of those trees. Partly, there is a lot sense in terms of what Hon. Irene is bringing out but, on the other hand, there is quite a bit of a challenge that has to go with it. How do you even implement it in the first place? Unless you just want to have the Amendment Bill in the shelves and no agency is able to implement it.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Hon. Umulkher Harun.

Hon. Umulkher Harun (Nominated, ODM): Thank you, Hon. Temporary Speaker. I would like to support the Bill by Hon. Irene Mayaka. It is important to first clarify that this particular Amendment Bill will not affect the tea farmers as they mostly grow the crop 500 metres from the riverbanks. This is specifically targeting those who grow within the riverbanks, and it is a way of protecting our wetland areas and water catchment areas.

The debate on climate change is not just big in our country, but also globally. It is important that we do our best to stop any man-made contributions like that particular activity of growing the eucalyptus along the riverbanks. It is my hope that this Amendment Bill will be effected and the Cabinet Secretary will then use it as a directive to come up with a framework that will guide the farmers and all the growers of the eucalyptus. The framework will also serve as an example because of the challenges that we have had, especially what my colleague Hon. Oundo has raised. We are one of the people who have been greatly affected by the *mathenge* tree. Somebody thought of coming up with a proposal for arid and semi-arid areas and assumed that *mathenge* was the best tree to make the areas become green, but our cows and goats have ended up being toothless. It is not just a crisis to the environment, but also a human crisis. Therefore, such frameworks are very important. I want to encourage and congratulate my colleague for bringing this particular Bill. I hope that the Members will support it. It is important that I emphasise on the clarification that it will not have any impact on tea farmers. It is rather a holistic approach of supporting the growers and a way to mitigate and protect our environment.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Member for Wajir North.

Hon. Ibrahim Saney (Wajir North, UDA): Thank you, Hon. Temporary Speaker. In supporting the Bill, I want to put some few facts forward. The eucalyptus tree was imported into this country. So, it is good to appreciate that it is foreign or rather a non-exotic species that was imported into Kenya. The adverse effects of imported plants without regard to environmental impact assessment and the impact they generally cause to the environment is a matter of grave concern to this nation.

Eucalyptus, in its natural habitat, is supposed to be a useful tree but, in Kenya, its adverse effects outweigh its benefits environmentally. What does the eucalyptus tree do to our environment? It has what they call an allelopathy effect on the environment. What does that mean? It releases chemicals into our ecosystem and into our soil that inhibits the growth of all the other trees. It will do well by itself, but it destroys the vigour, biodiversity and vitality of our environment in totality, thus degrading the environment in a very big way. Imagine having a tree that eliminates all other trees. What is the impact of eliminating other fauna or flora? The impact is that it destroys many other livelihoods if it destroys any other vegetation. For instance, if eucalyptus eliminates all other vegetation, beekeepers will be affected. The bees cannot have the flowers to generate the honey we need as a form of livelihood. Pasture propagation or the growth of pasture will equally be affected. It will be a homogeneous stand of plants that does away with all other plants that we so need for our livelihood and sustenance.

It has a very dangerous taproot, incomparable to other plants, that taps into our soils, even into the most barren of the Arid and Semi-Arid Lands (ASALs) soils. If you take it to Chalbi Desert, it can get water from so deep. That is the consequence and the extent of the impact that eucalyptus trees can cause. That tree dehydrates our soil and dehydration of soils is clear to everybody. When we cease to have water in our soils, we cease to have life in its entirety, in our soils and our ecosystems. That is a tree that takes copious amounts of water from our soils, the ASALs and even those that have good water sources. Eucalyptus can equally drain our soils and make sure that there is no more water in our soils.

It has that dangerous network of taproots that can go deep and dehydrate our soils. When you dehydrate the soil, you impact the chemical imbalance in our soil. That is how

dangerous the eucalyptus tree is to our environment. It has an impact on the production of biomass. The eucalyptus tree ensures that it eliminates any other form of vegetation. When you eliminate biomass, you are doing away with humus and so many aspects of our soil. Soil without biomass ceases to be soil, but becomes other things.

This is a very dangerous tree. Probably, the intention of those who brought it to this country was for short gains. The gains or the benefits to Kenyans are short-lived and its impact outweighs the benefits of eucalyptus. The best thing to do about eucalyptus is to do away with it, and remove it from the Kenyan soils. Yes, it has values, but what is the impact? Soil is the anchor of all livelihoods and when something affects the soils' chemical balance, causes dehydration and the power to make sure that all other vegetations are eliminated, it means it is dangerous.

That aside, eucalyptus also has health effects. Many say that it has some medicinal benefits but, if it is inhaled in a diluted form through the nose or the throat, it has serious irritations and inhalation effect on human health. Dangerous consequences. Many people may say that eucalyptus oil is good but, if you just inhale it in limited amounts, it has dangerous consequences on human health in terms of nasal impact, throat and consequently our respiratory system. That which stops you to breath is a killer tree. It also has effects that cause coma, dizziness and seizures. It is a dangerous plant. It has serious allergic consequences on the human anatomy.

As an environmentalist, I am aware that the cost-benefits analysis of having eucalyptus is such that its impacts outweighs its benefits. It is a tree that takes us towards desertification. It is a tree that will dry up our swamps and our aquatic ecosystem.

Those who have brought it into the country, just like in the case of the tree that is a menace in Garissa and Baringo counties, did not think well about it. It was brought into this country without serious regard on the impact it would have on our environment.

It is better to have those trees out of our soils. Actually, it should be eliminated. I know the gains are short-lived. The gains of rowing it for a short period of two years and harvesting it for Kenya Power and Lightning Company is so minimal that you cannot enumerate the consequences it has on our environment. That which destroys the soil is never a useful thing. That tree is the destroyer of soil. It is a dehydrator of soils. One that fights biodiversity. Remember biodiversity is internationally protected. There is an international instrument. That is a tree that is an enemy to bio-diversity.

This Motion has come at the right time. I entirely support that eucalyptus should be fought like any other enemy to our economy and our livelihoods.

Thank you, Hon. Temporary Speaker.

[The Temporary Speaker (Hon. David Ochieng') left the Chair]

[The Temporary Speaker (Hon. Farah Maalim) took the Chair]

The Temporary Speaker (Hon. Farah Maalim): The one thing that the Chairman will not shy away from admitting is that every time Hon. Saney stands on matters of environment, he takes us through a very powerful learning process. No wonder you got a First-Class Honours in your Environment Law at the university. Thank you very much. I hope the country will use your expertise in this area in many ways.

Hon. Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much, Hon. Temporary Speaker.

Before I even comment on this Motion, I join you in appreciating the presentation from the Hon. Member from Wajir North. When you listen to him, you can confirm that this House has professionals who can articulate issues.

The Temporary Speaker (Hon. Farah Maalim): Those are serious brilliant minds.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Yes, we have serious professionals. I want to thank him. I wish he was the person who seconded the Motion because he would have added a lot of value to the debate.

Hon. Temporary Speaker, I join my colleagues in thanking Hon. Mayaka for bringing this Amendment Bill. You and I have been in this House for long. You are aware that it is not easy to get a Private Member's Bill going through this House and, more so, for a first time Member who has been here for two years. So, Hon. Mayaka, congratulations. This is a big milestone. I can assure you that if you remain in this House for a longer period, many of your bills will go through and become Acts of Parliament. So, I encourage and thank you for the effort you have put in coming up with this Amendment Bill.

Having listened to the debate, I agree with Hon. Members that eucalyptus trees have serious adverse effects on the environment. At the same time, they also have some benefits. I must confirm that when I was a small boy, my father grew one hectare of eucalyptus trees. Anytime there was need to pay school fees, we would cut some trees and sell them. Within a very short time, new trees would sprout again. As of today, that small farm still has traces of those trees. We cut them last year because they had made the whole area dry.

So, when people say that they have negative effects to the environment, I agree. Why do people plant those trees? They plant them for economic benefits because they make money out of them. As I said, my father would cut and sell them so as to get money for school fees. There are several reasons why some people plant those trees. They plant them to make money. The trees are also a source of firewood and building materials. The timber that is used for roofing in many parts of the country is from eucalyptus trees. Due to lack of education, many people have no idea that, that plant makes the area dry. That is why Kenya Forestry Research Institute (KEFRI) needs to come up with an alternative species of trees that will provide the same benefits in terms of firewood, income and building materials, but do not negatively have an impact to the environment.

This debate is very timely because COP29, where environmental issues are being discussed, is taking place. Due to the effects of global warming, we should plant trees so as to reduce carbon in the environment. At the same time, that can be a money-making venture. As I said earlier, I watched this debate in the morning. I agree with the Hon. Members who have said that those who have hugely contributed to the serious pollution in our environment should pay. So, the idea of financing the fight against climate change should be actualised. I got very worried when I saw that those who have hugely contributed to the pollution like China, India and United States (US) were not in attendance.

As a House, we need to support this Bill. We also need to encourage KEFRI, which is mandated to deal with issues of forestry, to come up with alternative species of trees. That way, we will help this country and make sure that our farmers do not suffer. A Member of this House has already reported that she is a farmer and grows eucalyptus trees to make money. So, as we avoid planting them, we need an alternative so that she can continue making money. If we go in that direction, we will help this country. I appreciate and support this amendment Bill. How I wish we can fast-track it so that it gets to the Third Reading and becomes law. That way, we will stop complaining about eucalyptus trees and, more so, when they are planted along our river banks.

Hon. Temporary Speaker, with those many remarks, I support.

The Temporary Speaker (Hon. Farah Maalim): Hon. Caroli Omondi.

Hon. Caroli Omondi (Suba South, ODM): Thank you very much, Hon. Temporary Speaker. Let me begin by congratulating my dear sister, Hon. Irene Mayaka, for keeping this matter alive. I first came across this issue sometime in 1994 when I was drafting the Environmental Management and Coordination Act. It was one of the big issues that came up at that time, but we did not quite deal with it. We thought we left it for regulations, but it is still coming up. I am happy that it is still alive.

Hon. Temporary Speaker, the little I know about eucalyptus trees is that there are more than 700 species. Most of them are large trees, but there are shrubs too. Therefore, when we talk of eucalyptus, we are basically talking about 700 plus species. Each would be distinct and unique in their botanical characteristics and how they affect or interconnect with other species within the ecosystem.

We are generally mostly talking about the gum trees in this particular debate. Eucalyptus are native to Australia, which shows us some qualities that they have. They can withstand dry climate and there lies the opportunity to have eucalyptus trees in Kenya. That is one of the reasons why they were brought here as a species. They are not indigenous to Kenya and they are not native. They were brought in as a plantation tree. Much of Australia is very dry and it is the eucalyptus trees that provide much of the vegetation. Therefore, as we demonise or debate on what eucalyptuses are, we should also acknowledge their good aspects.

Generally, ecosystems are inter-dependent. Species support fellow species. The eucalyptus supports some insects and animals, hence creating ecological balance within the ecosystem and the equilibrium amongst species. We may have issues with it, but we should not wholesomely condemn it or even remove it from the Republic as is being suggested. We need to be very clear of what it is that we want to do. There is this debate, but it is not conclusive, whether eucalyptus consume a lot of water or drain water aquifers or rivers. I was just looking at some reports online and one of the leading scholars from Kenya Forestry Research Institute (KEFRI) is saying that eucalyptus only use water during photosynthesis to produce wood.

There is a study which confirms that eucalyptus, in terms of producing biomass or wood fuel, is the most efficient tree. We have heard other Members allude to that fact. It is important that we ask for further studies. My concern is that we want to ban it along rivers without specifying what the riparian is. There is a regulation somewhere of 30 meters from the centre point of the river on either side – which is the riparian area – or 30 meters from the shore line of the lake, also known as, the low tide zone.

The problem is this: What about the water aquifers, which are all inter-connected underground and form sources of rivers? What are we going to do with them? As a House, we need a more definitive study. We need an Environmental Impact Assessment (EIA) Report from the National Environment Management Authority of Kenya (NEMA) on what eucalyptus are and how they relate with water sources. Otherwise, it is very difficult. We can see we have a problem, but we cannot put our hands perfectly on it.

I would like to encourage Hon. Irene to get us more scientific reference material before we get to the Third Reading, so that we are better informed. I am very happy that this issue has been kept alive. I think there is a problem, but Eucalyptus trees have a big ecological benefit to our country that we also need to be alive to.

With those remarks, I encourage the Hon. Member to get us more scientific data and reports to read, so that when we say we are going to ban them along rivers, we can know the distances; how far we deal with water aquifers and other sources of water.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Mulanya.

Hon. Geoffrey Mulanya (Nambale, Independent): Thank you Hon. Temporary Speaker for giving me this opportunity to speak on this Motion.

I echo the sentiments of my colleagues about the disadvantages of growing the eucalyptus along water catchment areas. As much as my colleague, Hon. Caroli, has said that the tree has advantages that we should consider, I submit that the disadvantages of growing that tree, especially along the water catchment areas, outweighs its advantages.

From the time the eucalyptus tree was introduced in this country, many people started growing it along swamps, river banks and within water catchment areas.

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Mulanya. You will have a balance of nine minutes to contribute when this debate resumes.

ADJOURNMENT

The Temporary Speaker (Hon. Farah Maalim): Hon. Members, the time being 1.00 p.m., the House stands adjourned until 2.30 p.m.

The House rose at 1.00 p.m.

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